

**SUBMISSION OF COMPLETION REPORT**

FOR

MINOR RESEARCH PROJECT [SCIENCE]

UGC SANCTION NO: MRP(S)-47-1560/10 UGC (WRO)

DATE 8<sup>th</sup> OCTOBER-2010

TITLE OF THE PROJECT

**“Dr. B.R. Ambedkar And Empowerment of Women”**

Submitted

BY

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**2013 - 14**



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**DECLARATION AND CERTIFICATE**

I hereby declare and certify that, the complete project report on the Minor Research Project entitled “Dr. B.R. Ambedkar And Empowerment of Women.” is a bonafide record of research work done by me during the year 2013-2014. Further certified that the work presented in the report is original and carried out according to the plan in the proposal and guidelines of the University Grants Commission.

Principal Investigator

**Dr. SIDRAM N. SALAWADE**

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## ACKNOWLEDGEMENT

I am grateful to the University Grants Commission, Western Regional Office, Pune for sanctioned of Minor Research Project to me. It gives me a great pleasure to express my deep sense of gratitude to our Principal **Dr. A. H. Manikshete**, Walchand College of Arts & Science, Solapur for his encouragement and support.

I must thanks to all the members of teaching and non teaching staff of Chemistry Department, Walchand College of Arts & Science, Solapur for their timely help and encouragement for completion of this minor research project work. Thanks are also due to all who have offered valuable guidance during the research project.

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# **CONTENTS**

**Title : Dr. B.R. Ambedkar And Empowerment of Women**

**Chapter – I : Introduction**

**Chapter – 2 : Dr Babasaheb Ambedkar and Emancipation of Women**

**Chapter – 3 : The Constitutional Provisions for Women**

**Chapter – 4 : The Hindu Code Bill & Empowerment of Women: Role  
Played by Dr. Babasaheb Ambedkar**

**Chapter – 5 : Summary and Conclusion**

## Chapter - I

# Introduction

Dr. B.R. Ambedkar has given extraordinary contribution to the making modern India. He strove for the betterment of crores of untouchables in India. The untouchable community in India had been centuries together and there had been a domination of the religious dictates of the Manusmriti which had brought the Dalits to the inferior levels. The condition of Indian women to the other hand been more miserable since they had been deprived of all the human rights. Dr. Ambedkar advocated social and economic democracy and insisted that without them there would not be peace happiness and cherished values of liberty equality and fraternity. Dr. Ambedkar's contribution is unique since it was aimed at bringing and in betterment and dignity for both men and women.

Dr. Ambedkar took unprecedented efforts to win women's equal rights his objective was to fight for women's right and their all round development.

### **Statement of Problem :**

Women's Empowerment is closely related to the caste system. If we want to empowerment of women it is necessary to abolish the their caste system. It is also necessary to free women from slavery. Because of patriarchy and fundamentalism women are still enjoying secondary position in India. It means they are made slaves by the social set up. We have accepted persistence of gender inequality tends to killing of daughters before birth. This is one of big social problem. So it is essential to study the thought of Dr. Babasaheb Ambedkar's in women's Emancipation.

In spite of more than sixty years of independence, we witness social inequality, casteism and discrimination against the SC/ST community. The situation is getting worse in case of women who are frequently victimized brutalized and burned for dowries on the other hand the participation of women in political sphere is low as 1.5 to 5.4% only in the Lok Sabha and Rajya Sabha. The orthodox and gender conscious political leader oppose 33% reservation for women. This is called women reservation bill. This bill also related to Hindu code bill.

In the era of globalization, the state has withdrawn its role from the social sector. Hindu code bill and state intervention suggested by Dr. Babasaheb Ambedkar for the Empowerment the Indian women. Therefore it is necessary to study the thought of Dr. Ambedkar regarding women's Empowerment to the present study address this problem.

**Hypothesis :**

The following hypotheses are taken for the present study.

Dr. Ambedkar was concerned with women empowerment right from the beginning of his movement. He pointed out that the slavery of women and caste system were closely related therefore, he introduced the Hindu Code Bill and made constitutional provisions in order to gain dignity to the Indian women.

**Objectives :**

- 1) To evaluate the views of Dr. B.R. Ambedkar on empowerment of women.
- 2) To evaluate the Hindu Code Bill and its politics in Parliament.
- 3) To evaluate constitutional provisions for women.
- 4) To evaluate the relevance of Dr. Ambedkar's views on women's empowerment.

**Review of Literature**

There has been a flood of literature on the writings and works of Dr. Babasaheb Ambedkar. The writing includes both the glorifying eulogies and the analytical essays on Dr. Ambedkar. The writings also include the aspects such as political issues, economic issues, social issues and empowerment of women. A few important works deserve reference and review.

**Primary Sources :**

In the primary sources are books and articles written by Dr. Ambedkar and speeches and writings of Dr. Ambedkar.

**1) Writings and Speeches of Dr. Ambedkar**

There are twenty-one volumes containing writings and speeches of Dr. Ambedkar, Babasaheb, and are considered as most valuable primary sources for the study. Subject matter is originally written by Dr. Babasaheb Ambedkar but after that these volumes are edited by Vasant Moon and Narayan Hari Narake and published by the Committee of Higher Education and Technical Education, Government of Maharashtra. Out of 21 volumes, earlier thirteen volumes were published by the committee headed by the chairmanship of Vasant Moon and the remaining were published by the committee headed by the chairmanship of Hari Narake.

These volumes contain speeches and writings which were delivered in the parliament and society. His speeches and writings reflect his social, economic and political thoughts. Out of twenty-one volumes, fourteen volumes (Part I & II) are important volumes and explain the work of Dr. B.R. Ambedkar to liberate and upliftment of women.

**2) The Editorials** written by Dr Babasaheb Ambedkar in 'The Bahishkrut Bhaarat' and 'The Mukanaayak' have been published by the Department of Higher Education of the Government of Maharashtra under the editorship of Dr Vasant Moon in the year 1990. These editorials contain the political and religious opinions of Dr Ambedkar. The editorials are said to be quite critical of the Hindu religion as they take the practices in Hindu religion to terms. The significant part of these editorials is the vital advice given by Dr Ambedkar to the women during the Mahad's movement, which with other things laid emphasis on the education of the women.

### **Secondary Sources :**

Secondary sources is books and articles written on Dr. Babasaheb Ambedkar. The important books are following.

**1) Dr Dhananjay Keer** is one of the famous biographers of Dr Ambedkar. He has written biographies on Dr Ambedkar both in Marathi and English. His thought-provoking Marathi biography on Dr Babasaheb Ambedkar published in 1989 is an imposing creation by the author. It illuminates the major incidents, the Pune Pact, the Hindu Code Bill, his resignation as Law Minister, etc in the life of Dr Ambedkar.

**2) Shastri Sohanlal:** He had been in touch with Dr. Babasaheb Ambedkar for 25 years. When there was stiff opposition to Hindu Code Bill. He translated in Sanskrit for common people and orthodox and he wrote a book in Hindi 'Hindu Code Bill and Dr. Ambedkar'. He was strong supporter for Hindu Code Bill.

**3) Dahat Dhanraj :** His book '*Dr. Ambedkarich, Bhasani aani Vichar –Stree*' reflects thoughts of B.R. Ambedkar on women and their emancipation. This is edited book; author had edited speeches and writings of Dr. B.R. Ambedkar with regarding women particularly in this book. These speeches and writings explain the advice given to the women by B.R. Ambedkar and religion was responsible factor for deterioration of status of women. Author has edited only the writings and speeches of Dr. B.R. Ambedkar and literature concerning with women in this book only and this is one of specialty of this book.

**4) Ratnakar Ganveer** has written 'Dr Ambedkar and the Hindu Code Bill', Volume 1, which was published in 1987 by Ratnamitra Publications, Nagpur. The book deals with the Hindu Code Bill, the Draft of the Bill and the Rao Committee in detail.

**5) The Constitution of India, the Sixth Edition** contains significant provisions for the women. All the necessary Constitutional provisions in the interests of the women are

included in this highest Legal Document of the nation. The fundamental rights, the political opportunities, equality in earning livelihood, etc are some of the essential Constitutional provisions. The Government of India has published it.

6) **Rodriguez Valerian**, '*The Essential Writings of Dr. B.R. Ambedkar*' describes each and every aspect of subject concerning with great leader. This book contains eleven chapters. These chapters contain from childhood of Ambedkar humiliation given by upper caste to Hindu code Bill. This book also deals with economic, political and social thoughts of Dr. B.R. Ambedkar.

7) **Eleanor Zelliott** wrote an article entitled 'Empowerment of Women' in the book named 'Ambedkar in Retrospect: Essays on Economics, Politics and Society' published in May 2007. This article is aimed at throwing light on Dr Ambedkar's perspectives on women, the cultural development of the Dalit women and their participation in the Ambedkar's movement. It also presents an analysis of the impact of Dr Ambedkar's thoughts on the Dalit women, along with the Hindu Code Bill and its impact and women's empowerment.

8) **Desai Neera**: In her work on *Women in Modern India* studied the changing status of Indian Women in more descriptive fashion covering the life of women during a particular period, viz. those immediately preceding and succeeding the British rule.

9) **Bharati (1990)** in his book 'Foundations of Ambedkar Thought' presents a comprehensive study of his (Ambedkar) thought. The present volume is an authentic insight into his personality. It provides an integrated view of the ideals and objectives, the means adopted and the achievements made by him.

10) **Chandra Mowali (1990)** in his book B.R. Ambedkar: Man and his vision discuss about Ambedkar's Childhood and education, economic ideology, political mission, social vision, etc.

11) **Nagar & Nagar (1992)** in their book Economic Thought and Policy of Dr. Ambedkar brought out the economic dimension of his philosophy

12) **V.T.Patil (1995)** edited a book on Studies in Ambedkar in which Ambedkar's views are classified into four groups viz 1) Political and Constitutional ideas 2) Social Ideas 3) Economic Ideas, Religion and Philosophy and 4) Legacy to the Dalits.



13) **Jatav (1965)** in another book 'The Social Philosophy of B.R. Ambedkar has devoted a chapter to the study of Sociology of Hindu Code bill which explains how the Hindu Code Bill was framed to protect and elevate the status of women.

### **Methodology :**

The study is entirely based on Historical empirical Method. Both primary and secondary sources of information are used. The primary data are Books and Articles written by Dr. Babasaheb Ambedkar, the secondary sources are books written on Dr. Ambedkar many international and national written on Dr. B.R. Ambedkar.

The study attempts to know the views of Dr. Ambedkar in emancipation of women, in India seek to enquire with holistic perspective and by qualitative methodologies its aim was to evolve possible relevance of Dr. Ambedkar's thoughts and views of women's emancipation and empowerment.

### **Sources of Data Collection:**

The Study basically depends on primary and secondary data. It will be collected from '**Dr. Babasaheb Ambedkar writing and speeches**' Published by Government of Maharashtra. There are 21 volumes. Dr. B.R. Ambedkar had written many books. The editorials written by Dr. Babasaheb Ambedkar in the '**Bahishkrut Bharat**' and the '**Muknaayak**' many books written by Khirmode Changdeo and Ganveer Ratnaker and letters, encyclopedia, biographies journals and from internet web site Ambedkar Study centers and photo galleries related to topic.

### **Data Analysis:**

The data collected according to the topic and objectives of the study by using appropriate technique and tool. The secondary data would be subjected to view analysis and Interpretation in order to present the contribution of Dr. Ambedkar Empowerment of women in holistically.

### **Chapter Scheme:**

The research is divided in four chapters as under:

- 1) Introduction
- 2) Women's emancipation and overview
- 3) Constitutional provision for women's empowerment.
- 4) Hindu Code Bill and Empowerment of women Role played by Dr. Ambedkar
- 5) Summary and conclusion.

## Chapter - II

### Dr Babasaheb Ambedkar and Emancipation of Women

#### Introduction

The thoughts and work concerning women's emancipation by Dr Babasaheb Ambedkar have been of wider and pervasive vitality. To him women should not be shown pity, but they must be allowed rights and empowerment. Besides, women must be restored to their ancient honour and respect. In order to get women their lost status in the society, Dr Ambedkar demanded that the women should be accorded equal wages, marriages at a mature age, respect for female birth, women's education, women's liberation from fundamentalist's clutches, and character. His point-of-view towards women and women's issues has been essentially founded on his inclination towards their socio-economic rights and privileges.

Dr Babasaheb Ambedkar's vision of women's emancipation is quite significant. The government must intercede on behalf of the deprived women to win them the social and economic rights and privileges, in addition to legal protection. The status of women in India can't be elevated until they are allowed Constitutional security, Dr Babasaheb Ambedkar asserted.

#### Women's Emancipation: Dr Babasaheb Ambedkar's Perspective

A distinct feature of Ambedkar's theory of women's emancipation is that there is a close association between women's status and the philosophy of Brahminism. He contends that annihilation of the caste is the only way to establish a social order in which people can live together with equality.

#### Caste System and Women's Slavery

Dr Babasaheb Ambedkar did a painstaking and profound contemplation of the caste system in India. He wrote "Castes in India" while he had been at Columbia University, America. The theses contains his assessment of the reasons behind the sustenance of the caste system in India.

#### Women: Gateway to Caste System

Dr Ambedkar opined women to be an entrance to the caste system. It's women who bore the onus of maintaining castes, he thought. The intracaste and intrafamily marriages sustained the barriers between the castes. The tendencies of marrying within the castes and families would cement the differences between castes. He enumerated the measures adopted by various castes of maintaining the balance of sexes in the succeeding manners:

### **1. The Sati Tradition: -**

“The widow was made to kill herself by entering into the pyre of her dead husband. This was aimed at doing away with the possibility of making such a woman ‘surplus’. The other reason was an unmarried woman would lose the opportunity of getting married to a man, who might choose the widow for his wife.”<sup>1</sup> Thus, the Sati tradition might have come into existence. The other social reason was if a widow married a man outside her caste, there would be several problems.

### **2. The Prohibition on Widow Marriages: -**

The best thing for a widow would be to get married, in stead of killing herself on the pyre of her dead husband. During the pre-independent times “A widow could not remarry. Her head would be shaved and she would be made to lead a secluded life, so that she would not be tempted into thinking about her second marriage.”<sup>2</sup> Once again in order to avoid the fear of depriving an unmarried woman of getting married to a man, the widow remarriages were prohibited for a long length of time.

### **3. The Restrictions on Men: -**

“There were restrictions on men, as there were imposed several restrictions on Hindu women. It means neither men nor women were allowed any sort of independence according to the Hindu customs and traditions.”<sup>3</sup>

### **4. The Imposition of Contenance on Widowers: -**

“The widowers would be socially excluded. The men who had lost their wives were expected to undertake life of celibacy and self-denial.”<sup>4</sup>

### **5. Consent to Minor-Girl Marriages: -**

The social customs and traditions were aimed at making the caste system stronger and well-fortified. “If a married man lost his wife, he would be allowed to marry a girl of tender age, so that he wouldn’t marry outside his caste.”<sup>5</sup> Thus, the men were given freedom to marry the young ones within their caste and keep within the caste boundaries.

Dr Ambedkar was of the opinion that the intracaste marital system was kept alive by virtue of different unfavorable customs and traditions. The women were suppressed by men and thus the women became the entrance to the caste system. There were other practices like no give and take of food or relations among a number of sub castes under one caste. The intricacies of horoscopes and family histories made the marital process in the religion

more complicated. The afore-stated thoughts of Dr Ambedkar are quite illuminating of the caste system in the Hindu religion in general and Indian societies in particular.

### **Severe Criticism of Hurdles Created by Fundamentalism**

Dr Babasaheb Ambedkar frequently reiterated that it was religious fundamentalism which caused so much of exploitation and impoverishment of women in the Indian societies. “This has been going on since time immemorial. Women have not been able to develop themselves due to the restrictions imposed on them through the religious agencies. The very basis of women’s misery has been attributed to religion. The women,”<sup>6</sup> to Dr Ambedkar, were not able to rise in rebellion against this exploitation, as it would have been rebelling against their religion only. It gave rise to a rampant decline in the conditions of women. Thus, Dr Ambedkar was totally against fundamentalism.

### **Manu Smruti: A Big Impediment in Women’s Development**

“The Manu Smruti” is said to have been the biggest impediment in the way of women’s development in India. Dr Ambedkar was of the firm belief that this Hindu religious book caused the worst possible conditions for the women. He would prove his stance with evidence. “During the Vedic Period the Hindu women had enjoyed several rights like the right to educate, learn different art forms and select their life partners. The marriages would take place at their mature age. However, the inauguration of “The Manu Smruti” deprived the women of all the rights and burdened them with several restrictions and taboos.”<sup>7</sup> Their role in the domestic life was curbed to cooking and rearing only. They were kept away from education and enlightenment. Men dominated them and made them their slaves. Some of the religious books too were aimed at separating the women from men. The Hindu fundamentalism had been the chief focus of attack by Dr Ambedkar, since it had been a source of women’s destitution and misery.

### **The Religious Doctrines: Source of Women’s Oppression**

In his article published in the daily Bahishkrut Bharat dated 12<sup>th</sup> August 1927 Dr Babasaheb Ambedkar asserted that “The Hindu religious practices like shaving the head of a widow, not allowing her to wear blouse, depriving her of jewellery, effacing the red spot from her forehead, use of white sari and making her survive on non-provocative and non-spicy food were all aimed at oppression. These practices were unscientific and inhuman. The widows would be made to look distorted and ugly, in order that no man would ever think of getting attracted towards them. These were the hideous ways of maintaining the so-called loyalty towards the dead husband.”<sup>8</sup> Thus, the degradation of women in the Indian society had been a result of the religious doctrines only.

In the present context of the 21<sup>st</sup> century the face of the religious fundamentalism is as ugly as it had been a century or so ago. And, once again it is the women who are made to suffer on account of the religious dogmas, mostly created as a part of the male chauvinism. Even the self-styled high-class people don't forget to seek the horoscopes and check them for the presence of the dominant planet, the Mars. The marriageable women with the dominant Mars planet find getting spouses quite difficult, since the religious stigma attached to the 'ill-fated' Martian women. The marriageable men, on the other hand, won't find getting married any difficult, as religious beliefs are largely in their favour.

### **Strong Opposition to Child Marriages**

Dr Babasaheb Ambedkar was totally against the practice of child marriage. "He thought that child marriages were neither in the interest of men nor women, since they were unscientific. He asserted if the next generation must be healthier, the marriages in tender ages must be precluded."<sup>9</sup>

The children of the couples married at a tender age, to Dr Ambedkar, would be very susceptible making the society moribund. Such children developed different physical and psychological deformities. "The untimely imposition of motherhood made the child wife weaker and exhausted. India in the past had not been able to deliver many geniuses, since the practice of child marriages was rampant. The tired bodies due to early marriages couldn't produce psycho-physically healthy successors."<sup>10</sup>

"One of the important resolutions sanctioned at the Satyagraha of Mahad, organized under the leadership of Dr Babasaheb Ambedkar between 19<sup>th</sup> and 20<sup>th</sup> March 1927, was the demand for the marriage of a male at the age of 20 and that of a female at 16."<sup>11</sup> The same resolution was sanctioned at the Belgaon District Bahishkrut Social Council held on 23<sup>rd</sup> March 1929. Dr Ambedkar appealed to the people gathered on this occasion that they must not spend unnecessary money in their daughters' marriages; some money must be put by for satisfying the domestic needs.

The impact of the child marriages can be felt in the present situation also. The issues of growing population, the malnourished children, the diseases among women are some of the results of the age-old unscientific practices in India. Dr Ambedkar spoke against the thoughtless spending of money in marriages. In the present context, the practice of spending lots of money in marriages by the parents of the bride and the bridegroom has been a source of so many problems which involve criminal complexities also. Parents draw loans for marital ceremonies, which puts them into the quicksand of bankruptcy. Once-upon-a-time prosperous state like Maharashtra is going through a critical stage in which farmers commit suicides, being frustrated by their economic failure caused among other reasons by the debts for marriages.

## **Consent to Inter-caste Marriages**

In his treatise titled 'Castes in India' Dr Ambedkar claims that women are the entrance to casteism. Indian casteism consists in marrying within the castes, he continues.

The measures like collective meals are not sufficient to exterminate the evils of casteism. The only alternative, according to Dr Ambedkar, is intercaste marriages. In the 21<sup>st</sup> December 1928 issue of Bahishkrut Bharat he writes that "the mass meals of healthy persons won't cause leprosy, and in the same way the inter-caste marriages will give rise to healthy generations. He asks a question if the inter-caste marriages are going to give rise to beasts." <sup>12</sup> He made a resolution consenting the youngsters' right to marry in other castes in the Belgaon District Bahishkrut Council held on 23<sup>rd</sup> March 1929. Afterwards, Dr Babasaheb Ambedkar got registered married to a young Brahmin lady named Dr Sharda Kabir.

Although intercaste marriages are capable of eliminating casteism, due to the socio-religious beliefs caused by the so-called principle of racial purity there is hardly any subscription to them. A woman, for example, who marries out of her caste, is often excommunicated by her community brethren. What's more is that her family is considered to be lowly and is not entertained for marital proposals by other members of the same caste. The younger sisters of a lady who prefers inter-caste marriage find it difficult to get married. The family with a history of inter-caste marriage(s) in some castes gets reduced in the social status. A caste woman getting married to a Dalit man is made to face a lot of trouble, sometimes it may result into brutalizing of the entire family at the hands of the caste brethren. If a Dalit woman gets married to a caste man, the family of the woman plays foul with her and her life. There have been innumerable incidents, both known and unknown, in which the people involved in the inter-caste marriages, got hurt, brutalized or killed.

There have been instances of inter-caste marriages in the urban areas, but the motives behind them are infatuation and love rather than any social consciousness. These marriages are not done deliberately by way of inviting people through sending invitation cards as such. Thus, in the absence of social motives, these marriages don't serve any purpose of doing away with the caste barriers. It is high time that people understood the significance of inter-caste marriages as a means of social unification and supported the youngsters planning to marry this way. The government must also motivate people into preferring inter-caste marriages by providing such couples with incentives like free of cost houses, reservation in government jobs and offering loans without interest.

## **Accepted Family Planning**

Dr Babasaheb Ambedkar was an economist with excellence. And, it is a fact that the present times have growing population to be the biggest problems making the standards of

life go down. It gives rise to poverty, unemployment and price rise. The women who deliver more babies suffer from different ailments. They are bound to the task of rearing children and they grow untimely older. Hence, Dr Ambedkar's advice in family planning is more relevant in the present context. In his speech delivered to the Dalit students on 12<sup>th</sup> December 1938 "He asserted that family planning was a vital aspect of women's life and health."<sup>13</sup> In the capacity of member of the Provincial Council he proposed a non-government resolution in the interest of family planning through a member of his party namely P.C.Roham on 10<sup>th</sup> November 1938. It consisted in the propagation of awareness among people of means of family planning through the government's intervention. It also contained the need of providing these means of family control to the people. However, the resolution was defeated on the floors of the Council by 52 to 1 vote.

The responsibility of planning the family must be borne by both husband and wife, said Dr Ambedkar to the gathering of students of a college in Bombay. "He would set his family's example by saying that they were fourteen siblings in their family, which made their life miserable. He further said to the gathering that as he had only one son, he could maintain his small family well."<sup>14</sup> Even he would have found it difficult to manage a big family. The energies of a woman could be utilized for so many constructive deeds in stead of wasting them on bearing and rearing a huge number of children, he emphasized.

In the present set-up the government allows some facilities and concessions to the women in their pregnancy and after the delivery. The women with jobs are allowed maternity leave and those who are rearing children are granted reduction in duty hours. The credit of all the government concessions to women goes to the pioneering work done by Dr Ambedkar. But the women working in the private and unorganized sectors are not allowed these concessions. There is seen a tendency among the employers of preferring male candidates to female candidates, since the latter are required to be given concessions which may adversely influence the organizational functioning and turn over. The conditions of women in the unorganized sector are very deplorable. The women labourers, for example, are made to lose their work during and after their pregnancy. Sometimes such women starve and have malnourished babies. The government must allow the pregnant labourers minimum wages and provide them with ration and medicines during and after pregnancy.

The women are put to trouble not only by the unfavorable conditions during the pregnancy, but also by the means of the family planning. The government has also been targeting women under the family planning programme. A woman can't decide the contraceptives she should use; it is the husband or the in-laws who take decisions on her behalf without bothering much about the consequences.

## **Initiative for Women's Education**

Dr Babasaheb Ambedkar gave a lot of importance to women's education. An educated man according to Babasaheb meant a lot of difference to his family, but an educated woman would see the progress of two families at a time. Dr Ambedkar, "while he had been pursuing his higher studies in America, wrote a congratulatory letter to Shri Jamadar Jadhav of Sangli for having begun to educate his daughters. He further stated in the letter that the parents must share the duty of schooling their children."<sup>15</sup> "During the 1927 Satyagraha of Mahad Dr Ambedkar appealed to the assembled women that they must realize the significance of education and educate their daughters. He proclaimed that knowledge and edification 'are not' the private property of men only."<sup>16</sup> He allocated special space for women's education in the objectives of the Bahujan Hitakarani founded in the year 1924 and in the Manifesto of the Independent Labour Party set up in 1936.

Dr Ambedkar was a loyal adherent of Mahatma Phule's philosophy. It was "Mahatma Phule who pioneered the cause of women's education in Maharashtra by setting up the first school for girls."<sup>17</sup> He was duly supported by his wife Savitribai Phule, a revolutionary companion of a social revolutionary. However, they were staunchly opposed by the orthodox people of the upper castes. To make the matters worse, the couple was exiled by Phule's father himself. Mahatma Phule and Savitribai Phule didn't budge, in stead they continued to work more fervently and brought the educational light into the darkened life of women and girls.

For Dr Babasaheb Ambedkar Mahatma Phule was an ideal in the field of women's emancipation. Babasaheb had to struggle a lot during his childhood. When he matured into youth, he found himself besieged by social taboos against which he was to launch a long drawn-out battle in the time to come. He dedicated himself to the cause of Dalits' rights. The climax of his career witnessed his unprecedented constitutional work and the contribution to the women's education. 'He founded Milind College in Aurangabad district of Marathwada,'<sup>18</sup> one of the academically most backward regions of Maharashtra and Siddhartha College in Bombay, a teeming city with a considerable population of workers and slum-dwellers. For the convenience of the lady students of the Milind College a city bus started to ply to and from the College, by the efforts of Dr Ambedkar. Later, a hostel for girls was built there.

## **Dr Ambedkar Favoured Co-education**

Dr Babasaheb Ambedkar had endeared co-education, education for both male and female members. Instead of going for separate educational institutions for boys and girls, he subscribed to the educational system that allows both men and women equal opportunities of enlightening themselves collectively. His article published in the 15<sup>th</sup> July



1927 issue of Bahishkrut Bharat strongly condemns the Hindu orthodox belief and it can be derived from his writing that he considered the practice of segregating boys from girls on moral grounds totally whimsical. "A young man may remain continent, if left in a deserted place; or a young woman may have unspoiled dignity, if she is put behind the bars."<sup>19</sup> What Dr Ambedkar wants us to understand is that this coercive morality is of no value at all. "That morality is welcome which involves a man maintaining his mental diversions in the company of a woman and a woman preserving her dignity in the presence of a man. If the moral intensity is to be elevated, there must be given to both the men and the women maximum scope for proximity. The more there are restrictions on men and women, the more will there be the physical hunger. It is a human tendency to crave for and be obsessed by what is not easily made available or prohibited."<sup>20</sup> Thus, Dr Ambedkar believed in co-education, since he was for unison of men and women.

"The rift between men and women widens, if they are not allowed to mix with one another. It is the nearness between the men and women that can bring about a constructive interaction leading to social health. However, the Indian social set-up, at least in the past, had been very unfavorable for women folk due to the scriptures like the Manu Smruti."<sup>21</sup> The Manu Smruti had declared women to be hurdles in the way of men. For the spiritual acquisition men must practice continence, the Brahmacharya, which means a complete rejection of women. Brahmacharya is the essence of life, it was believed in the past. Ironically, the Indian mythologies, painting, sculpture throw up a different portrayal which celebrates the beauty and all the gifts of women. Though the sect of so-called sages and continent hermits still continue to survive, they are furtively attracted to and engrossed in women only.

### **Founding of Peoples Education Society**

Dr Ambedkar founded People's Education Society. He had undertaken a campaign of collecting donations for the buildings of this educational institution. One of the famous Tamasha (folkdance of Maharashtra) artists namely Patthe Bapurao desired to donate a sum of money to People's Education Society, however, "Dr Ambedkar rejected the money since it was earned by the Tamasha club by exploiting the lady dancers."<sup>22</sup>

In October 1956 Dr Ambedkar spoke to the gathering at the Grand Conversion Ceremony, the Dhammachakra Pravartan held in Nagpur. He said that "For every human being it is the dignity which is more important than money."<sup>23</sup> He gave an example of the Bombay prostitutes who, after getting up at eight in the morning, would dictate their sidekicks to fetch them mince meat and bread. On the other hand, his sisters would not get even chutney and roti, but they had dignity to depend upon. The example would put the lesson of vitality of character down the throats of the listeners.

These thoughts of Dr Ambedkar are quite pertinent in the present situation, which witnesses so much of materialism and debauchery. The young generation appears to have lost itself in the pursuit of seeking all sorts of pleasures, turning a blind eye towards concepts like character. The 21<sup>st</sup> century has brought the havoc of AIDS in its wake. The mad physical pursuits of the youth make them easy preys to this deadly disease. The disease, which dominates the beings without character, is to date incurable. The only precautionary measures may be maintaining character, prohibiting prostitution and loyalty to one spouse. The moral thoughts of Dr Ambedkar are a sure way to a healthy life.

### **Encouraged Participation of Women in the Movement**

Dr Babasaheb Ambedkar motivated the participation of women in all the agitations he undertook in his lifetime. Women worked along with were in all the fight organized by Dr Ambedkar in the interests of the rights of the socially backward communities in India. It all started with the movement for the water of Chavadaar Lake in Mahad. It was followed by the agitations launched for temple entry of the backward communities. The struggles in social participation were also shared by the women under the guidance of Dr Ambedkar. This also is quite sufficient to declare Dr Ambedkar to be a social revolutionary. The suffocated breath of the Dalit women was given relief by his efforts. Women began to attend the public meetings. They started to express themselves by adopting different means and forms of writings. In the Bombay and Vidarbha regions, there came into existence a class of women activists as a result of the work done by Dr Ambedkar. “Ramabai Kamble, the women’s leader who organized the mill workers, Jaibai Chowdhary, the founder of the girls’ school, Virendrabai Teerthkar, the lady who undertook the task of disseminating education among the deprived and underprivileged people are some of the examples of women who had been essentially inspired by Dr Ambedkar’s creed, words and deeds.”<sup>24</sup>

“Dr Babasaheb Ambedkar used to invite equal contribution of men and women in the struggle for social equality; hence his public meetings would have considerable number of women. Almost invariably he would have a special session for women in his meetings in which he would guide them in various significant issues. He would see the women personally and advise them.”<sup>25</sup> Although Mahatma Gandhi would have women in his meetings and agitations, his focus was a political struggle against the British, the foreign rulers. On the other hand, Dr Ambedkar’s priority was a social struggle against the so-called caste Hindus, it ironically meant a struggle against own people.

We witness a big participation of women in diverse social agitations both in the state of Maharashtra and India. A lady activist like Medha Patkar with her extraordinary academic background has dedicated her lifetime to the rehabilitation of the tribal people. She is a full-

time social agitator. The socio-religious struggles in the present context go back to the unparalleled efforts undertaken by Dr Ambedkar.

### **Indian Organization of Untouchable Women**

Under the inspiration of Dr Ambedkar national level women's conferences were organized. "On 29<sup>th</sup> January 1928 a women's conference was convened under the chairpersonship of Ramabai Ambedkar. On 10<sup>th</sup> August 1930 a separate conference for the Dalit women was organized in Nagpur. Another conference for the untouchable women was held in Varhad of the Central Province in the year 1936. Nagpur witnessed organization of yet another convention for the women under the banner of the Scheduled Castes Federation on 1<sup>st</sup> January 1938. The Yewale conference which bore Dr Ambedkar's declaration of conversion to Buddhism too had a separate session for women. Sulochana Dongre was the president and Kirtibai Patil was the honorary president of the All India Conference of Scheduled Castes Federation held between 18<sup>th</sup> and 20<sup>th</sup> July 1942 in Nagpur." <sup>26</sup> This conference witnessed the following resolutions: -

1. "The divorce issued by the society must be accepted
2. The system of polygamy must be legally prohibited
3. The women workers should be allotted one month's rightful leave and 21 days' optional leave
4. The accidents at the workplace should be compensated
5. The girl students must be allowed scholarships and accommodation facilities
6. The weaving mills or community places with a majority of women must be given lady officers"<sup>27</sup>

"The All India Women's Conference held in Mumbai on 6<sup>th</sup> May 1945 was attended by 10 thousand women representatives. Mrs. Shivaraj, wife of the President of All India Scheduled Castes Federation, chaired this conference. Dr Babasaheb Ambedkar admired the women in his speech delivered on this occasion." <sup>28</sup>

In the present context there are a number of women activists who play a key role in the politics of Maharashtra. Dr Jyoti Lanjewar, Sushila Patekar, Minakshi Moon, Indira Athawale are some of the women who have shown their mettle as active participants in socio-political fields. Every district in Maharashtra has a considerable women's participation. Among all the movements it is the Ambedkari Movement that witnesses the greatest participation of women.

## **Accommodated Women in Political Field**

Dr Babasaheb Ambedkar is rightly said to have been the first reformer to have fought for the political rights of women in India. In his deposition before the “Simon Commission on 23<sup>rd</sup> October 1928, Dr Ambedkar asserted that all the women who had come of age must be allowed the right to vote along with mature men.”<sup>29</sup> At the Round Table Conference in England he reiterated his demand of the right to vote for all the mature Indian citizens.

He is said to have set up a forum for the women to voice themselves. “The executive body of the journal, Janata, consisted of two lady members namely, Savitribai Borade and Ambutai Gaikwad. It should be noted that in England, the origin of democracy, the women were deprived of degrees till 1920 and the right to vote till the suffragist movement made it obligatory. On the contrary”<sup>30</sup>, Dr Ambedkar won the women and men of India the right to vote by constitutional arrangement.

A cursory look at the past of India reveals the miserable conditions of women due to the religious dicta like the Manu Smruti. Hence, “most of the social reformers preceding Dr Ambedkar exerted themselves to get women the basic needs.”<sup>31</sup> But, Dr Ambedkar’s distinction is that he fought directly for the political rights of women.

In the present situation women can be seen enjoying equal footage with men in all walks of life. But, it was only after the Medieval Age that women started to have opportunities. If the Phule-Ambedkar movement didn’t take place in India, the conditions of women wouldn’t improve at all. The women, in the absence of the Phule-Ambedkar movement, would not have any social, political, educational or cultural progress. Although, Dr Ambedkar’s period had not been conducive for women’s participation in agitations, Dr Ambedkar motivated women into mass movements. He never discriminated men against women. On the opposite, he got more and more women to participate in the protests he planned and executed in the wider interests of the deprived and downtrodden people in India.

The twentieth century put forth a wide range of women’s leadership in India. Indira Gandhi, the former Prime Minister, was the one whose tenure turned out to be very effective and sensational. Miss.Mayawati, the Chief Minister of Uttar Pradesh, Miss.Jayalalitha, Miss.Mamata Banerji, Miss.Vasundhara Raje-Shinde, Miss.Sushama Swaraj, and Mrs.Sonia Gandhi are some of the names of the women leaders who can vie with any masculine leaders with their leadership qualities. Nevertheless, the political sphere is not all favourable for women and the male-domination frequently upsets the women’s participation in politics. Yet, there are 33% women in the Local Self-Government Institutes. The 73<sup>rd</sup> and 74<sup>th</sup> Constitutional amendments have facilitated one third representation for women. In the beginning many women were not able to perform in politics according to their

willingness, as their men dominated their decisions. Gradually things have changed and at present barring a few exceptions women are able to fare independently and freely.

The bill of 33% representation of women in the parliament and the state legislatures is pending. No political party or leader is ready to fight for women's reservation in the legislatures, like the fight witnessed for the implementation of the Hindu Code Bill. Dr Ambedkar fought for the implementation of the Hindu Code Bill between 1948 and 1951, when he realized that he was losing the battle he resigned from the ministry. It is quite unfortunate that the courage and perseverance Dr Ambedkar showed towards his commitment to the issues of women is not seen in any politician of today.

### **Women and the Importance of Character**

Lord Buddha was a source of motivation for Dr Babasaheb Ambedkar. Buddhism was his ideal philosophy. He subscribed himself to Buddha's contempt for debauchery and adultery, and admiration and obsession for the principles of Greater Conscience, i.e. Pradnya, Character and Compassion. Dr Ambedkar had been a stickler for character. In the speech he delivered on radio he declared to have been a disciple of Lord Buddha, Mahatma Phule and Saint Kabir, and he said that he was a follower of the principles of Greater Conscience, Character and Compassion. He emphasized the significance of women's character. In his speech executed on 16<sup>th</sup> June 1936 to the prostitutes in Bombay he appealed to these women to get out of the infamous profession. The prostitutes had convened this programme in Damodar Hall, Bombay in the honour and support of Dr Ambedkar's announcement of conversion in 1934. Babasaheb guided the gathered women on this occasion. He said that "The women must know that they are the important constituent of the society and every society in the world attaches importance to women's character."<sup>32</sup> Every family would prefer dignified women for their relations, as the image of the family would be derived from the dignity of its women members. He appealed to the prostitutes that they must give up the shameful profession, because it made their life vicious. The Dalit community had to bear the shame of the women who practiced prostitution. The women must earn money by the sweat of their brow, in stead of wriggling in the money gained through immoral practices putting character at stake. He would cite an example from "The Mahabharata" in which we see Duryodhan advising Draupadi that she live with him happily in stead of going with her husbands who were entering into a period of exile. The answer given by Draupadi is very significant, since she replied by saying that she preferred to remain dignified in the company of her miserable husbands to the shameful prosperity with Duryodhan. Babasaheb didn't forget to warn the women, if they didn't give up prostitution, he would not accept their support at any cost. It is a fact that responding to

the call given by Dr Ambedkar many prostitutes and the women dedicated to the temples gave up prostitution and settled into marital life.

### **Men and Women are Equal**

Dr Babasaheb Ambedkar fought for the equality of men and women. He was of the opinion that women must be allowed equal rights with men. Dr Ambedkar had come to Bawi, taluka Barshi, district Solapur. He is said to have stayed with one of his activists called Jayappa Dede. He happened to meet Karabhari, another Dalit activist. Karabhari was thinking about the second marriage, since he didn't have any issue from his first wife. When Dr Ambedkar came to know about this, he scolded Karabhari by saying what would he do if his first wife was willing to marry another man, because he (Karabhari) had the biological defect. And, he further said that "If your wife prefers remarriage, because of this reason, would you like it? She too needs a child."<sup>33</sup> The above-stated incident is very significant, since it throws light on Dr Ambedkar's subscription to the principle of equal rights for both men and women. This stance adopted by Babasaheb is quite relevant in the present context and it also shows the vision and mission of his life. He was against polygamy, as polygamy, which was an indication of male domination, had been rampant during those days.

### **Efforts Undertaken for Women's Economic Betterment**

Dr Ambedkar undertook, in the capacity of the Labour minister, relentless efforts in favour of women. In the year 1944 he formulated an amendment in the interest of women containing the following highlights:

1. "Both the men and women working in the factories must be paid equal wages.
2. The women workers must be given diurnal working hours, they should not be made to work at night.
3. The women workers must be given time for rest and recreation.
4. They must be allowed four weeks of maternity leave before and after the delivery.
5. The facility of children's pens must be provided at the work places."<sup>34</sup>

The afore-stated provisions were totally in the interest of gaining rights for the women by Dr Ambedkar. He utilized his offices for the improvement of the conditions of women, whether it was his membership of Bombay Provincial Council or as a member of the Central Ministry. The most important step Dr Ambedkar took towards women's emancipation was through the formation of the Constitution of India, which will be dealt with in the succeeding chapter of this thesis. Dr Ambedkar has been the first ever social reformer to have spoken passionately in favour of women by demanding for women equal

wages, maternity leave and children's pens at workplaces. The travesty is that some of these demands are yet to be fulfilled by the existing democratic system.

### **Conversion to Buddhism: Act in Favour of Women's Emancipation**

Dr Babasaheb Ambedkar had been involved throughout his life in the struggle against the established social system for the liberation of the backward communities and women by winning for them social justice. In the beginning of his social reformation he had been involved in peaceful but emphatic protest against the inhuman practices in the Indian society. After the bitter and heart-rending experience he went through at the Kalaram temple, he intensified his reformatory strategies and in 1934 he came out with his historical announcement of Conversion to Buddhism. "His decision of converting to Buddhism was a result of the indifference and antipathy the Hindu religion showed towards his reformation and the acceptance of Buddhism"<sup>35</sup>, which had its birth in the Indian soil, was indicative of his preference of peace and harmony.

### **Buddhism: A Religion of Equality**

Buddhism has been a religion endearing the principle of equality. All the members in Buddhism are treated equally. Although Buddha didn't allow women into the Sangha, he honored them. The Dhamma doesn't have any place for rites and rituals as such. It doesn't take into consideration illusory concepts like rites, fasting, heaven and hell. It means the religion is free of the very sources of women's persecution. Hence, the religion which endears the scientific spirit was welcomed by Dr Babasaheb Ambedkar. At the marital ceremony in Buddhism the bridegroom is made to take an oath that "he will respect his bride, he will contribute to her personality, he will not insult her, and he will not commit adultery."<sup>36</sup>

Dr Ambedkar was inspired by the humanitarianism in Buddhism, the respect shown towards women, the abhorrence for idolatry. The act of Babasaheb converting to Buddhism has really been in favour of women and their emancipation from the inhuman practices in the Hindu religion. The act was aimed at elevating the status of women in the society by liberating them of the socio-religious shackles. Dr Babasaheb Ambedkar had announced that he would fill the entire India with Buddha and his philosophy. It is a matter of great misfortune that his health didn't stand him in good stead. Nevertheless, the leaders like Laxman Mane have shown the courage of converting to Buddhism with tens and thousands of their communities and the oppressed women of these communities have transformed their life. In this manner, Dr Ambedkar's conversion to Buddhism must be recognized as a concrete step towards the emancipation of women.

## **Conclusion**

Dr Babasaheb Ambedkar's work for women's emancipation is of vital significance. The sole intention of his creed, words and deeds for women was not only to liberate them from the socio-religious clutches but also to resurrect their position in the society by winning them their rights and justice. He discovered the basic reason, i.e. the fundamentalist forces, responsible for the miserable conditions of women. He was in favour of women's education and enlightenment. He, after having examined the inhuman religious practices in Hinduism, directed his criticism towards the anti-women customs and traditions in Islam. The custom of making the women in Muslim religion wear the hood, according to Babasaheb, was almost like inviting different diseases and disorders. The practice of polygamy was also severely criticized by him.

On the one hand Dr Ambedkar condemned the fundamentalist elements in both Hindu and Muslim religions, he emphasized the importance of women's maintaining their character and loyalty towards their spouse. He was for women's liberation through adherence to character. In the present context the idea of liberated women is a blind imitation of men's life style. However, for Dr Ambedkar a liberated woman must be strengthened by principles of honesty and character. The society must bear the responsibility of defending the character and dignity of women. Dr Babasaheb Ambedkar rises head and shoulders above all the other social reformers with his interpretation and practice of women's emancipation.



## CHAPTER III

### The Constitutional Provisions for Women

#### The Preface:

Dr Babasaheb Ambedkar had dedicated his life to the betterment and amelioration of the downtrodden people of India. All his socio-political endeavors were aimed at the deprived sections of the society. The workers, the labourers, the poor farmers and the members of the backward communities had been the chief focus of his attention. He attached a bit more attention to the issues of women than what he did to the issues of the people of the backward communities. It was a fact that the women of the Indian society had been made to lead a miserable life due to the discriminations shown towards them. The conventional legal arrangements like the Manu Smruti had deprived the Indian women of their dignity. The members of the backward communities and women had been given lowly status in the Indian society for ages together.

#### Role of Dr Ambedkar in framing the Constitution of India

Babasaheb Ambedkar played a vital role in framing the constitution of India. He was the Chairperson of the drafting committee, one of the greatest contributions that Dr Ambedkar made. "T.T. Krishnamachary, a member of Constitution assembly, admired the amazing work done by Dr Ambedkar in his speech on 5<sup>th</sup> Nov. 1949. He said that out of the seven selected members of the constitution committee one had resigned, another had died, yet another had gone to America, still another had been busy in work of the Princely States. There were two members who lived away from Delhi and Dr Ambedkar had to bear the responsibility of framing the constitution of the Nation."<sup>1</sup> T.T. Krishnamachary's statement is a sufficient indication of the amount of efforts Dr Ambedkar had to take in writing the Constitution"

Dr Rajendra Parshad, President of constitution assembly said in his talk on 26<sup>th</sup> Nov. 1949 at the final meeting of constitutional assembly "I have realized as nobody else could have with what rare zeal and devotion the member of drafting committee and specially its Chairman Dr Ambedkar, in spite of his indifferent health worked. We could never make a decision which was or could be ever so right as when we put him on the Drafting Committee and made him its Chairman. He has not only justified his selection but has added lustre to the work which he has done."<sup>2</sup> In this way, Dr Babasaheb Ambedkar played a vital role in framing the constitution.

Granville Austin has described in his book ***Working a Democratic Constitution: The Indian Experience*** “the Indian Constitution drafted by Dr Ambedkar is “first and foremost a social document. The majority of India’s Constitutional provisions are either directly arrived at furthering the aim of social revolution or attempt to foster this revolution by establishing conditions necessary for its achievement. Dr Ambedkar provided constitutional guarantees and protections for a wide range of civil liberties for individual citizens, including freedom of religion, the abolition of untouchability and the outlawing of all forms of discrimination. Ambedkar argued for extensive economic and social rights for women, and also won the Assembly support for introducing a system of reservations for jobs in the civil services, schools and colleges for members of scheduled castes and scheduled tribes, a system akin to affirmative action. India’s law-makers hoped to eradicate the socio-economic inequalities and lack of opportunities for India’s depressed classes through this measure, which had been originally envisioned as temporary on a need basis.”<sup>3</sup>

Dr Ambedkar saw to it that the Dalits and the members of the backward communities sought development and compensation through reservations in the political field as well as the government services by virtue of the Constitutional provisions. Dr Ambedkar didn’t rest content with provisions for the people of the backward sections of the society; he drafted special provisions for women in the Constitution of the nation. Articles 13, 14, 15, 19 and 39 bear evidence to the care taken and concern shown for the women of India by Dr Babasaheb Ambedkar.

### **The Constitutional Provisions**

Constitution is the fundamental legal document in a democratic society. It lays down the principles for the governance of a country. All laws have to conform to it and any enactment, inconsistent with it, is void. In some countries, it is very often, a charter for social and economic development of the country. The Indian Constitution, which came in force on 26<sup>th</sup> January 1950, is no exception to this. It provides the framework for the governance of the country assigning roles to different institutions such as executive, legislature and judiciary.

### **The Assurance of Equality and Freedom in the Preamble of the Constitution :**

The Preamble is the first part of the Constitution of India. It summarizes the provisions in the Constitution. It is as follows:

“We, the People of India, having solemnly resolved to constitute India into a (Sovereign Socialist Secular Democratic Republic) and to secure to all its citizens:

**Justice** social, economic and political;

**Liberty** of thought, expression, belief, faith and worship;

**Equality** of status and of opportunity;

And to promote among them all

Fraternity assuring the dignity of the individual and the (unity and integrity of) nation;

In our constituent Assembly this twenty-sixth day of November, 1949, do hereby Adopt, Enact and Give to ourselves this Constitution.”<sup>4</sup>

As cited above, the Constitution of India assures all Indian citizens, whether poor or rich, women or men, Dalit or Sawarna of social, political and economic equality and freedom. The Manu Smruti, which had denied the women their fundamental rights for ages together, stood refuted and Dr Ambedkar, the principal maker of the Constitution of India, assured the women of their equal rights in the very first. The Constitution contains the following promise-

While all provisions of the Constitution are applicable in equal measure to men and women, and can, therefore, be invoked by women for the assertion of their right; “Part III & IV need special mention; as these are the foundation on which the protective legislation for women has been based. Part III of the Constitution recognizes and confers fundamental rights to citizens. And, some of these are enjoyed by non-citizens also.”<sup>5</sup> These rights have a special status in the Constitution, as according to Article 13;

- a) All laws in force before the commencement of “the Constitution, so far as they are inconsistent with the provisions of Part III, have been declared, to the extent of inconsistency, void.”<sup>6</sup> “The State has been prohibited from making any law which takes away or abridges the rights conferred in Part III and any law made in contravention of this part, is to the extent of inconsistency, void.”<sup>7</sup>

An understanding of the above provisions is important for the appreciation of the rights which have been conferred upon the citizens in Part III of the Constitution.”<sup>8</sup> Of the various rights conferred in this Part, there are provisions which need to be mentioned as these are of special importance for women:

- 1) **Equality of Status:** “Article 14 of the Constitution of India enunciates the general principle of right to equality and prohibits the state from denying to any person equality before law or the equal protection of the laws.”<sup>9</sup>

## **The Articles in the Constitution**

**Article 15 (1)** “Article 15 (1) of the Constitution is more specific instance to right of equality which prohibits the state from making discriminations against any citizen on the ground of religion, race, sex, place, birth or one of them.”<sup>10</sup>

**Article 15 (2)** “Article 15 (2) of the Constitution prohibits discrimination on the bases of religion, race, caste, sex and birthplace.”<sup>11</sup>

**Article 15 (c)** “Article 15 (c) of the Constitution doesn’t allow discrimination at shops, public restaurants, hotels and public entertainment places.”<sup>12</sup>

**Article 15 (Kh)** “The wells, the lakes, the river steps, roads and public places either run by complete or partial government aid or of public use shall not come under prohibition or conditional use.”<sup>13</sup>

**Article 15 (3)** “Article 15 (3) nullifies all prohibitions on the formation of special provisions for women and children.”<sup>14</sup>

In this way Dr Babasaheb Ambedkar brought about several Constitutional provisions for establishing social equality. The Indian social system had been paralyzed by the traditions of discrimination. The Dalits and women had virtually lost their dignity under the burden of a number of social prohibitions. The Constitutional provisions chalked out by Dr Ambedkar turned out to be a counter-reaction to the age-old inhuman customs and traditions in the Indian society.

## **Equality in the Matters of Employment or Appointment under State**

Article “16 (1) states that there shall be equality of opportunity for all citizens in matters of employment or appointment to any office under the state.” Further, “No citizen shall on the grounds of religion, race, caste, sex, descent, place of birth, residence or any of them be ineligible or discriminated against in respect of any employment or office under the state [Article 16 (2)]. The import of these provisions is that a woman has the same rights in the matters of employment under the state as a man. The state cannot practice any discrimination on this count. If any law is passed or any executive action is taken to prevent the women from taking up employment under the state, such law or executive action can be declared ultra-virus of the Constitution by the court of law.”<sup>15</sup>

Both men and women have equal right to earn their livelihood. “They must be paid equally for equal work. There should not be an abuse of the energies of men and women, and the tender age of the minors.”<sup>16</sup>

This right to equality is only in employment or appointment under state that is in matters of recruitment, promotion, wages, termination of employment, periodical increments, leave, etc.

### **Right to Life and Right against Exploitation**

Article "21 gives right to life and personal liberty. Right to Life does not merely mean animal existence but it means something more, namely, the right to live with human dignity. Rape, is therefore, a crime against basic human rights and is also a violation of the victim's right to life contained in the Article 21. Article 23 of the Constitution of India provides for prohibition of traffic in human beings and forced labour. Similarly, Article 24 prohibits employment of any child (which includes a female child) below the age of fourteen years to work in any factory or mine, or these provisions would reveal how much our founding fathers were concerned in not only protecting the interests of women but also to ameliorate the conditions of this lot in totality."<sup>17</sup> Forced labour in any form including beggar and traffic in human beings is completely prohibited and any contravention of this provision has been declared an offence punishable in accordance with law.

**Article 23 (1)** "Article 23 (1) bartering and bonding of women have been prohibited and such an activity is punishable in accordance with law."<sup>18</sup>

**Article 23 (2)** "According to Article 23 (2) the state can make service obligatory in the interest of social welfare. However, while doing this the women are discriminated from men and the women must not be obliged into service." <sup>19</sup>

### **The provision for religious freedom**

"According to Article 25 (1) the women are allowed to practice a religion according to the voice of their conscience and under the bylaws of the public system, morality and hygiene. This Article has helped the women acquire the freedom to select and embrace a religion of their choice and propagate it. It has also allowed them the right to set up a religious or charitable society, manage it on their own, and own or acquire both movable and immovable properties." <sup>20</sup>

"According to Article 27 religion is a private matter, and every citizen has a right to acquire and propagate a religion of his or her willingness."<sup>21</sup>

“According to Article 28 of the Constitution an institution either run partially or completely by the government shall not impart religious education or deny men or women admission on the basis of religion.”<sup>22</sup>

The right to religious freedom is a very significant provision in the Constitution of India. It is against the social and religious customs and traditions which had made the Indian women face so much of misery and exploitation. Thus, the right to religious freedom has earned a special place among men and women.

### **Cultural and Educational rights**

“According to the Article 29 of the Constitution of India Dr Babasaheb Ambedkar ensured the women the rights to cultural practices and education. As a result, no institution can deny women admission under any pretext. With an objective of helping women develop, they are allowed the right to setting up educational and cultural institutions.”<sup>23</sup>

### **The Constitutional Measures**

In the traditional social set-up the women had no rights to oppose the injustice and atrocities perpetrated upon them. Dr Ambedkar was quite conscious of the misery of the women in India. Hence, after having allowed the women and the weaker sections of the society the human developmental rights, there are given Constitutional measures according to “Article 32 (1) for protecting all the rights given under the Constitution.”<sup>24</sup>

### **The Political rights**

The Third section of the Constitution contains the rights to the freedom of expression and the individual freedom. Article “19 (1) allows all Indians the right to freedom.”

- 1) Right to speak and express
- 2) Right to getting together unarmed and peacefully
- 3) Right to forming associations and organizations
- 4) Right to move freely in the political state of India
- 5) Right to live and settle in any part of the political state of India”<sup>25</sup>

Along with these important rights, there have been given the political rights too. The women are allowed the right to vote and the right to contest elections. These rights have helped women to acquire political opportunities.

“According to Article 14 of the Constitution the state shall not deny any citizen the equality and equal protection in the political state. This results into women getting the right to contest any elections according to the eligibility and acquire a public position.”<sup>26</sup>

It should be noted that England, which ruled India for so many decades and which is known as the mother of democracy, had not allowed its women the right to vote until the year 1920. The women in England had to fight a long-drawn-out battle for gaining the political rights. However, in India due to the commendable efforts of Dr Ambedkar the women have been awarded the political rights. Dr Ambedkar had demanded the right to vote for the adult men and women in his deposition to the Simon Commission on 23<sup>rd</sup> October 1928. At the Round Table Conference too, he reiterated the demand in the political favour of adult Indian men and women. His earnest efforts had their culmination in his drafting the political rights for adult men and women in the Constitution. One of the favorable results can be seen in Pratibhatai Patil becoming the first President of the nation and Meerakumar being made the Speaker of the Lok Sabha. The nation like America, with all its centuries of democratic history, has not been able to receive a lady President, whereas a nation, as divided as India had been, has been able to promote the identity of women by allowing them the highest offices. The credit should go to the towering efforts taken by Dr Babasaheb Ambedkar.

### **Special Protection under Directive Principles of State Policy**

“In Articles 38 to 51 which contain the Directive Principles, the social and economic goals have been set with a view to fulfill the basic needs of the common man. As women have been neglected in the social and economic development of the country in the past, the state has been specially called upon to look into certain problems which plague them. In order to enable them to participate in the socio-economic development of the country, a climate has to be created for them to be equal partners in development with man, rather than being mere beneficiaries of developmental activities.”<sup>27</sup>

### **Directive Principles Directly Concerned with Women are as follows**

A) “Article 39 (a) lays down that the citizens, men and women, have the right to adequate means of livelihood. Nothing much has been done for the realization of this principle as a right either for men or women except the overall improvement in the economic condition which may, in course of time, ensure adequate means of livelihood.”<sup>28</sup>

(B) “Equal pay for equal work for both men and women is a principle directly related with the status of women. There has been a general belief that qualitatively and quantitatively, a woman’s output is less than a man’s for a given hour of work. But there is no survey or study to substantiate this belief.”<sup>29</sup> In order to realize the ideal enshrined in this principle, Equal Remuneration Act, 1976 was passed in 1976 which secures equal wages for men and women for the same type of work.

C) “Article 39 (c) lays down that the health and strength of workers, men and women, and the tender age of children are not abused. Further, Citizens are not forced by economic necessity to enter vocations unsuited to their age or strength. A number of laws have been enacted to provide for the safety and welfare of female and child workers employed in different types of establishments during the last three and a half decades. The employment of women and children in hazardous activity is completely banned. However, not much progress has been made in the implementation of the ideals enshrined in the latter part of the Article.”<sup>30</sup> As legislation by itself is not likely to help the achievement of the ideal that citizen should not be forced by economic necessity to enter vocations unsuited to their age or strength will depend upon the general improvement in the economic conditions of people.

D) “Article 42 provides that the state shall make provisions for securing just and humane conditions of work and maternity relief.”<sup>31</sup>

The sum and substance of the Constitutional provisions is that women stand on equal footing with men in all spheres of economic, social and political life of the country. Discrimination has been completely abolished on the ground of the sex and women belonging to different religions and races have the same status in the eye of law. As women have been neglected in the past, these special provisions made in the Constitution for their benefit are expected to help them in the fuller development of their personality and self-actualization.

### **Constitutionality of the Provisions of the Indian Penal Code**

“The Indian Penal Code, in general, does not make any distinction on the basis of sex. It is uniformly applicable to all. The Indian Penal Code was enacted in 1860 and came into force in 1861. Looking to the social conditions and norms prevailing in Indian society, the Penal Code has provided special provisions which afford protection to woman who could be a victim of the offences relating to her sex. It must be clear that the special provisions relating to women are not exceptions but are special offences, because a



woman faces may problems in her public and private life because of her womanhood, her social position.”<sup>32</sup>

The basis of protective discrimination in favour of woman is Article “15 (3) of the Constitution of India, which provides:”<sup>33</sup>

‘Nothing in this Article shall prevent the state from making any special provision for women and children’

“Reading clauses (1) and (3) of Article 15 together it will follow that while there can be no discrimination in general on the ground of sex, special provisions in the cases of women and children are permissible. The drafters of the Constitution were of the opinion that women require special treatment on account of their very nature. The reason is that women’s physical well-being becomes an object of public interest and care in order to preserve the strength and vigor of the race”<sup>34</sup>

It may be made clear that “Article 15 (3) of the Constitution provides for only special provisions for the benefit of women and children and doesn’t require that absolutely identical treatment as those enjoyed by males in similar matters must be afforded to them.”<sup>35</sup>

In this manner there have been made various vital provisions in the Constitution of India in favour of the women. While setting down the Constitution, Dr Babasaheb Ambedkar took out-of-the-way efforts to ensure social, political and economic equality for women through various provisions, along with special opportunities and provisions for them. On the one hand, the dignity of women at public places is ensured and on the other, the women are not allowed equal opportunities of livelihood and their share was not allowed in the political field.

In order to prevent the violent abuse of women and assault on their character, there have been made rigorous punitive provisions in the Constitution. The violations of the Constitutional rights are severely taken cognizance by the Indian Penal Code.

After the formulation of the Indian Constitution as above mentioned important provisions are made for women. Much legislation is implemented by the government of India, yet the atrocities against women are on the increase. Women are exploited at the working places such as fields, industries, companies and offices. It was learnt from *Bhavaribai rape case* that women are denied justice in courts. Many verdicts given by courts are against women. Violence against women will not be stopped until the social attitude is changed. Laws or provisions are only the means of social change, but they cannot change the social attitude of people. Because of this social attitude “Honour Killing”

type cases are going in many states. Therefore, it becomes difficult for the government to implement the laws. That's why Dr Babasaheb Ambedkar was of a strong opinion that the society, especially men, must give respect to women, which will help their emancipation. In the era of globalization women happen to face new problems. So, fundamental social changes in terms of women are the need of the hour.

While dedicating the Constitution to the nation Dr B.R. Ambedkar asserted that implementation of the Constitution is more important than merely priding over its contents. Despite several Constitutional provisions in favour of women, the condition of women in India requires a lot of improvement and betterment. When it comes to providing answer to the burning issues of women, Dr Babasaheb Ambedkar's philosophy and work form unavoidable precedents.

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## Chapter - IV

# THE HINDU CODE BILL & EMPOWERMENT OF WOMEN: ROLE PLAYED BY DR BABASAHEB AMBEDKAR

Although no slogans were given about women's liberty, Ambedkar really stood for women's progress and development. Prior to Ambedkar several social reformers tried to uplift and restore the women's status through preaching and teachings, Ambedkar sought to solve the issue through politico-legal measures.

As the chairman of the Drafting Committee of the Constitution, Ambedkar did a pioneering work to raise the status of women by granting the fundamental rights to all the citizens irrespective of caste, creed, race and sex. Also as a minister of the Nehru's cabinet, he introduced on 5<sup>th</sup> February 1951, 'The Hindu Code Bill'. The main aim was to bring about basic changes under law in the frame work of the Hindu society on more liberal patterns suited to modern conditions and times through the Hindu Code Bill.

It is important to note that Ambedkar's Hindu Code Bill was the first attempt to persuade Hindu society to accept its own power and its own responsibility in moulding its own destiny. This Bill introduced some important features like the right over property to women, share to daughters from the parent's property, provisions for divorce and abolition of doctrine of the rights by birth. The Bill also insisted on the consent of the wife to the adoption of a son by the husband and a daughter was permitted.

There have been concerted attempts at enhancing the status of women in India right from Bhagwaan Buddha and Wardhamnan Mahaveer several social reformers and greater men like Raja Rammohan Roy to Mahatma Gandhi. However, Dr Babasaheb Ambedkar, through the formation of the Hindu Code Bill, is supposed to have unprecedentedly contributed to the development of Indian women by virtue of fundamental Constitutional provisions. He was of the opinion that women must have the financial rights, which happen to be the only way to benefiting from the other rights. In addition, the women must be allowed the rights to seek divorce, alimony, adoption, registered marriage, inter-caste marriage, inheritance, and Dr Ambedkar saw the incorporation of these rights in the Hindu Code Bill. The women, who had been deprived for ages together, were to get their due rights through the Hindu Code Bill. The Manu Smruti, the holy book of the Hindus, had deprived the women of their fundamental rights. The book had reduced the women to the level of reproductive machines only. Dr Ambedkar was all set to help the women in India overcome the centuries' old misery by means of the formation of Hindu Code Bill. His sole

intention was to revive the glorious status of women, but the Bill was not passed in the Parliament. As a result, Dr Babasaheb Ambedkar resigned from the Central Ministry.

## **Background**

“There had been no law for family life in India before the British rule began. According to the Ancient Hindu Law there had been the rule of the Dictates, the Principles and the Traditions which would be followed quite closely in the day-to-day transactions. The behavioral patterns of the Hindus were dominated by the dictates of the Hindu religion.

The Ancient Hindu Law was essentially constituted by the Manu Smruti, the Yaadnyavalkya Smruti and the Economics of Kautilya. However, there was hardly any consistency in the legal interpretations of these books. The Manu Smruti discriminated people on the bases of the Varna and the Sex. The Upper Castes were given advantage over the Lower Castes and women and the members of the Lower Castes were restricted to the secondary status. The Manu Smruti was held to be the Holy Scripture as well as the religious constitution of the Hindus. Until the Medieval Period there had been the rule of the Traditional Law. No political regime in India tried to systematize the haphazard conditions of the prevalent law. Even the Islamic regimes would not interfere with the caste and tribal internal matters. Every caste and sub-caste would have its own dicta for marriage, divorce, adoption, succession other family matters. The litigations would be resolved by the Caste Panchayats and there was no uniformity in the resolutions.”<sup>1</sup>

The Hindu religious scriptures possessed the directions for the maintenance and distribution of the movable and immovable property. “Vidnyaneshwar of the 11<sup>th</sup> century AD is supposed to have composed the rules which are known as the Daaybhaag. The Daaybhaag and the Mitaakshari rules were predominant in various regions of India. The Mitaakshari system was first implemented in Gujarat and accepted by all the regions barring Bengal. This system comprises rules regarding united family system and succession. Though this law allowed the males the right to succeed, it had deprived the females this right.”<sup>2</sup> According to the Daaybhaag system the male successors would get the right to inherit after the death of the male parent, but the females were not allowed this right. However, this system which was accepted in Bengal has the women the right to alimony. There had been no attempts at reforming the Family Law by any political regime until the British began to rule India.

## **Law during the British Rule over India**

In the beginning the British rulers had adopted the policy of non-interference. However, they took recourse to consulting the religious leaders of both the Hindu and Islam religions for the interpretation of the religious laws. "Governor General Lord Hastings got the religious scriptures translated into English by the experts in those religions. Until 1864 the British rulers had adopted non-interfering jurisdiction in India. The British tried to formulate socially favourable rules and regulations in the initial stages of their rule over India. But, the policy of non-interference didn't last long, since the British rulers had to formulate rules against the inhuman exploitation of the women."<sup>3</sup> Thus, there came into existence the idea of integrating the rules regarding the Hindu family set-up by the British government.

### **Important Rules for Women Sanctioned during the British Rule**

#### **1) The Act Prohibiting the Sati Practice**

It was Raja Rammohan Roy who first sought attention of the Hindu society towards the burning issue of the Sati practice in India. "He tried to convince the people by engaging debates and publishing pamphlets that this inhuman Sati practice had no religious base. He was moved by the cruel oblation of his sister in law under the Sati practice. On account of his tireless perseverance there had been a lot of social awakening against the Sati practice around 1828, the year which witnessed the beginning of Lord Bentinck's tenure. During the parliamentary debate over the Chartered Act of 1833, the directors of the Company advised Lord Bentinck to go for legal provision to prohibit the Sati practice. Lord Bentinck then held talks with the military and administrative officers in India regarding the prospects of such a legal provision. On 8<sup>th</sup> November 1829 the resolution was converted into an act prohibiting the practice of sacrificing widow and prosecuting the guilty. This Act was brought into effect in the Mumbai and Madras provinces in 1870."<sup>4</sup>

In this manner the British government in India made legal provision against the inhuman practice of Sati and prosecuting the guilty involved in the offence.

#### **2) The Act Prohibiting the Female Infanticide**

During the Medieval Period female infants were not welcome. "It was considered to be a bane to the family. In the regions of Kachcha, Gujarat and Rajasthan, the incidence of female infanticide was quite high, since girls were thought to be a burden. The families which could not marry their daughters due to poverty and other reasons would be ill-treated

by the community members. Thus, the unmarried daughters would bring shame upon their families. As a result, the Rajput families would witness high frequency of female infanticide. The social reformers in India fought against this heinous practice and the consequence was prohibition of female infanticides by the rule 21<sup>st</sup> of the 1795 Bengal Act and the rule 3<sup>rd</sup> of the 1804 Act, and according to the 6<sup>th</sup> rule of the 1802 Mumbai Act female infanticides in the regions governed by Briton were declared criminal.”<sup>5</sup> However, as the Act was not able to be implemented stringently, a new act was passed in 1870 entailing registration of female births.

Although, the British government in India framed the act prohibiting female infanticides and prosecuting the criminals thereof in the 19<sup>th</sup> century itself, the incidence of female infanticides has not been completely put to end in the 21<sup>st</sup> century also. The female infanticides have been a burning issue in the present context. There is witnessed abuse of technological advancement like sex detection test for getting rid of female babies before they are delivered. This criminal practice is more often seen in the educated and moneyed families than the poor ones.

### **3) The Prohibition on Child Marriages**

The child marriages were prohibited according to the Civil Marriage Act 1872 and the practice of polygamy was also brought under the prohibition. However, due to severe protest against this Act, it was made applicable to the Brahmo Samaj only and the Hindu, the Muslim and other religious communities were exempted from this legal provision. “The Brahmo and the Arya Samaj had been instrumental in creating awakening against the detrimental tradition of child marriages. Agarkar, one of the social reformers of the time, consistently put forward the consequences of child marriages through his articles in ‘Sudharak’, the periodical in Marathi. The efforts of the Persian reformer B.M.Malabari turned out to be fruitful, as the minimum age of marriage for girls was fixed at 12 according to a legal provision in the year 1891. The Sharada Act of 1930 fixed the minimum age of marriage for girls at 14 and that for men at 18 years.”<sup>6</sup> The persons involved in marrying below these age groups would be imprisoned for three years.”

### **4) The Consent to Widow Remarriages**

The Brahmo Samaj under the leadership of Keshabchandra Sen and the Arya Samaj and the Prarthana Samaj in Maharashtra were involved in propagating the remarriages of widows. “At last Lord Dalhousie ratified the law favouring the remarriages of widows in 1856

as a consequence of the efforts undertaken by Ishwarchandra Vidyasagar. And this legal provision considered the progeny out of such remarriages to be legal and legitimate.”<sup>7</sup>

Besides the afore-mentioned acts, there were made the legal provision in favour of the divorces of the converted couples (1866), the special marriage act (1872), the hereditary marriage act (1928) and other acts were made during the British regime.

### **The Succession Act for the Hindu Women 1937 (Deshmukh Act)**

The Act ensuring the widows of the Hindu families the right to share their husbands' property was sanctioned.

The Hindu Mitaakshari and Daaybhaag systems had become a continuous source of irritation as they had created hurdles in disposal of justice. As a result, Dr V.G.Deshmukh presented a bill in the Central Legislature. The bill demanded for the Hindu woman the right to legal separation and alimony from her erstwhile family, along with the right to share the property of the husband. However, “only the right to share the property was sanctioned and the other rights were not allowed. The Act of 1937 which allowed the Hindu women the right to claim the property is also known as the Deshmukh Act.”<sup>8</sup>

It is fact that this superficial legal provision could neither satisfy the social reformers, nor the Hindu women. The Hindu Code Bill was set up in the year 1941, considering the urgent need of bringing in comprehensive reformation in the Hindu Acts and in recognition of the women's movement. This was also called the Rao Committee.

### **The Hindu Code Committee**

“In order to review the 1937 Act and uniformity in the Hindu Acts, a Committee was set up under the chairmanship of the High Court Justice Sir Benegal Narsingh Rao on 25<sup>th</sup> January 1941. The Rao Committee sought opinions of the Moderates and the Women's organizations through an elaborate questionnaire regarding the right to Succession and Marriage. On the basis of the opinions forwarded, the Rao Committee brought two bills on the floor of the Central Legislature, each one of Marriage and Succession of the Hindu women in 1943.”<sup>9</sup> The extremist elements in the Hindu society came out with a violent attack on these bills but the Hindu social reformers suggested some amendments. A Joint Committee sent the rectified version of the bills to the Central Legislature; however, the bills were not passed.



## The Revival of the Rao Committee

‘After the dismissal of the 1943 bills for Hindu Marriage and Succession, the Rao Committee was revived for the legalization of the Hindu Act in the year 1944 under the supervision of the Select Committee consisting Adv. Dwaraknath Mishra, a retired Justice of the Calcutta Court, J.R. Dharapure, Principal, M.A.D.L. Law College, Pune and T.R.Venkatraman Shastri, the renowned lawyer.’

“The revived Rao Committee sent the copies of the draft of Bill to the religious and social organizations along with the legislature. Interviews of the social reformers and thinkers in different cities were conducted. One hundred and twenty one reputed intellectuals and two hundred and fifty seven representatives of the princely states were also consulted and on the basis of the inventory of opinions and suggestions the Select Committee formed the draft of the Hindu Code Bill and submitted to the government on 21<sup>st</sup> February 1947. It was presented in the Central Legislature in the form of Bill on 11<sup>th</sup> April 1947 by Shri Jagendranath Mandal.”<sup>10</sup>

India achieved independence on 15<sup>th</sup> August 1947, after the flooring of the Hindu Code Bill by the Select Committee on behalf of the Rao Committee on 11<sup>th</sup> April 1947. Pandit Jawaharlal Nehru became the Prime Minister, whereas Dr Babasaheb Ambedkar was made the first Law Minister of India. On 29<sup>th</sup> August 1947 Dr Ambedkar was given the historic responsibility of framing the Constitution of India, which he did with tremendous amount of success. Dr Ambedkar was to shoulder the onus of converting the Hindu Code Bill into Act. The Hindu Code Bill had been presented in the Legislature on 11<sup>th</sup> April 1947 after it was rectified by the Select Committee. But, India’s winning independence somehow stalled the proceeding of the Bill. As the Law Minister the Bill came under the jurisdiction of Dr Babasaheb Ambedkar. Obviously, “Dr Ambedkar was made the chairperson of the Select Committee for the systematization of the Hindu Code Bill; he was to be assisted by the other members of the Committee-

1. Dr. Babasaheb Ambedkar - Chairman
2. Shri Alladi Krushnaswami Ayyar - Member
3. Dr Bansi Tekchand - Member
4. Shri Anantshayanam Ayyangar - Member
5. Shrimati G. Durgabai - Member
6. Shri Krushnaswami Bharati - Member
7. Shri U. Shrinivas - Member
8. Shri Biharilal Chattopadhaya - Member
9. Dr P.S.Deshmukh - Member

10. Shrimati Renuka Ray	- Member
11. Dr P.K.Sen	- Member
12. Shri Baburao Narayansingh	- Member
13. Shri Kishor Mohan Tripathi	- Member
14. Shri Amma Swaminathan	- Member
15. Pandit Balkrushna Sharma	- Member
16. Shri Khurshidlal	- Member
17. Shri Brajeshwar Prasad	- Member
18. Shri B. Shivrao	- Member
19. Shri Baldev Swarup	- Member
20. Shri V.C.Keshavrao" <sup>11</sup>	- Member

Although this Committee had lady members, it did not allow even a single member of the previous Rao Committee.

### **The Changes brought in by the Select Committee**

The Hindu Code Bill was further rectified and improved by the Committee under the leadership of Dr Babasaheb Ambedkar *and the court judgment privy councils were checked and necessary suggestions were forwarded.* "The Rao Committee had restricted the Bill to Marriages and Succession only."<sup>12</sup> The Bill made by the Rao Committee lacked in comprehensive legalization. The Independent India needed a comprehensive draft of the Individual Acts. The aspects like- Adoption, Divorce, Alimony and others were to be contemplated along with Marriage and Succession. The Rao Committee could incorporate only few aspects of the Hindu society. Dr Ambedkar proposed several fundamental amendments to the Hindu Code Bill he was given by his predecessors. The amendments suggested by Dr Ambedkar are as follows: -

1. "Any married couple will have a right to apply for divorce; either member of the couple or a third party can apply for divorce.
2. A widow shall suggest a legal parent besides the names forwarded by the dead father as the male parent of the minor.
3. The Rao Committee had dissolved the Mitaakshari birth right to succeed. The Select Committee under Dr Ambedkar suggested that the right to Succession will be a collective familial way.
4. The Rao Committee recommendation of allowing the widow an alimony of Rs 5000/- was nullified.
5. The female right to succession was equaled with the male. Thus, the Rao Committee's discrimination between the male and female stood invalidated.

6. A proposal for uniform right to succession was recommended, putting aside the Marumakkatayam, the Aliyasantanam and the Nambudari provisions. The South Indian Marumakkatayam and Aliyasantanam family systems had their own rules regarding succession and divorce.”
7. A provision was made to enable the wife of an irresponsible husband to look after the legitimate and illegitimate issues.”<sup>13</sup>

The afore-stated provisions were made by the Select Committee under the leadership of Dr Babasaheb Ambedkar in order to make the Hindu Code Bill wider and all-inclusive.

In this manner the Committee under the leadership of Dr Babasaheb Ambedkar recommended fundamental changes in the Report made by the Rao Committee. The Report of the Rao Committee, which had very little provisions, was made comprehensive by Dr Ambedkar by incorporating in it the all-inclusive provisions and revolutionary changes favouring women’s emancipation through the Hindu Code Bill.

### **Presentation of the Improved Hindu Code Bill in the Parliament**

The Improved version of the Hindu Code Bill was eventually presented in the parliament by Dr Babasaheb Ambedkar on 12<sup>th</sup> August 1948. The vital changes brought in the Bill and the Rao Committee recommendations by Dr Ambedkar made the Bill to be known as Dr Ambedkar’s Bill. The Bill was released in the Gazette (page 389 to 550) by the Government of India on 21<sup>st</sup> August 1948. “Following is a list of the significant provisions and rectifications made by Dr Ambedkar in the Hindu Code Bill:

**1. Wider Scope:** The first article of the Hindu Code Bill states the scope of the Bill and describes the social groups it is applicable to.

**Section 1:** “This Bill will be known as 1948 Act

**Section 2:** This Act will be applicable to all the States of the nation

The Act is applicable according to article 2 to all the members of the Hindu religion, including the Weershaiv, Lingayat, Brahma Samaj, Prarthana Samaj and Arya Samaj. 1) It is applicable to Boudha, Jain, Sikh religions also.

2) It is applicable to all the members barring the members of Islam, Christian, Persian and Jew religions.”<sup>14</sup>

Thus, the scope of the Hindu Code Bill encompasses the Hindu, Boudha, and Jain, Sikh religions except the Islam, Christian, Persian and Jew religions in the Bill.

## **2. Elaborate Provisions for Marriages:**

The second section of the Hindu Code Bill contains the provisions for marriages. There are two types of marriages validated. "The first is ritualistic and the second is registered marriage. The minimum age of the marrying bride must be 14 and that of the bridegroom is 18 years, according to the third article of the second section. The ritualistic marriage must involve the seven circumambulations of the holy fire by the marrying couple."<sup>15</sup> The seven circumambulations will make the marriage valid.

Before the formulation of the Hindu Code Bill only the ritualistic marriages would be considered legitimate. "The Marriage Registration Officer would be appointed by the Central and the State Governments. There is required to be issued a notification 30 days before the actual registration of marriage. There are required three witnesses."<sup>16</sup>

In the olden times marriage would be considered as a rite, which meant a number of corrupt practices like children's marriages would be made valid; the provisions made by Dr Ambedkar prohibited the children's marriages and favored marriages at mature age.

## **Consent to Inter-caste Marriages:**

It was the Hindu Code Bill which first consented to the intracaste marriages and inter-caste marriages. According to the ancient Hindu customs "the marriages would take place within castes only. The marriages outside the castes would be nullified during the prevalence of the ancient laws of the Hindu religion. The Hindu Code Bill wrought under the supervision of Dr Ambedkar saw to it that the inhuman caste barriers in the religion would be broken through the provision of inter-caste marriages."<sup>17</sup>

In this way the Hindu Code Bill legalized inter-caste marriages. According to Dr Ambedkar woman is an entry to the caste system. The intracaste marriages on the other hand made the caste system more rigid, hence the only answer to the entire problem was inter-caste marriages.

## **Provision for Invalidation of Marriages:**

According to the articles 28 & 29 of the Hindu Code Bill, the nullification of marriages is realized. If either of the couple is sexually frigid, homosexual; if the marriage is

done against the willingness of their parents or a forced marriage, such a marriage is invalidated if a case is filed within three years of the date of marriage. Following is a list of some of the other thirty reasons besides the afore-stated one for the nullification of a marriage:

1. "If either of the couple is impotent.
2. If the husband or wife is adulterous.
3. If converted to any other religion.
4. If either of the couple suffers from incurable psychological disorder. The case must have undergone five years of treatment before the marriage nullification is sought.
5. If either of the couple suffers from an incurable disease. " <sup>18</sup>

As marriage was considered a rite in the olden times, there was no provision for nullifying a marriage. A woman, once she got married, would not be able to divorce her husband, regardless of whether he was healthy or sick with a deadly disease.

### **The Provision of Divorce:**

The Third Section of the Hindu Code Bill consists of the provision of divorce. Before the Hindu Code Bill a marriage done by rituals would not be broken up. Marriage, according to Hindu religion was a religious rite; hence there could not be dissolution of marriages. The Hindu Code Bill allows divorce on certain reasons. The article 31 of the Second Section of the Bill states that either the husband or wife may apply for the right to divorce. Following is a list of reasons for divorce according to articles 33 to 38:

1. "The renunciation of the one by the other
2. Conversion
3. Adultery
4. Madness
5. Incurable disease
6. Congenital disease
7. Violence" <sup>19</sup>

In the olden times the Hindu couples didn't have the right to divorce; as a result the wives had to tolerate whatever type of husbands they were married with. The ancient Hindu tradition demanded the husband to be called a veritable god by the wife. However, the Hindu Code Bill enables the party involved in the marital relationship the right to seek divorce on the above-cited grounds.

The provision for divorce was a vital feature of the Hindu Code Bill. The Hindu society didn't have any place for divorce, however, the Bill allowed for the divorces of estranged couples.

### **The Right to seek Alimony:**

“The 46<sup>th</sup> article of the Third Section of the Hindu Code Bill allows the right to get alimony. The wife is enabled to get alimony from the husband, if she lives in separation. She may seek separation as well as alimony on special grounds. ” <sup>20</sup>

In the olden times, if a woman was abandoned by her husband, the said woman would be left high and dry. The Hindu Code Bill made a historic provision for alimony to the divorced women.

### **Legalization of the Right to Succeed:**

The right to succeed the property in the united family is incorporated in articles 86 to 90 of the First Section of the Hindu Code Bill. The ancient Mitaakshari and Daaybhaag systems made the father, son, grandson and the great grandson to have the right to succeed and the one of these would be given the succession instead of the heir of the deceased. According to the Bill the successor will get the right to inherit the property or the property can be disposed by a will or any other arrangement.

“There are made two changes in the women's property. The first consists of getting all the different items under the head of women's property and there will be uniformity in the rule of inheriting the property along with the equal right of the son and daughter to share such property. Article 93 of the Bill makes the dowry brought by the bride to be her own property. The dowry brought by the bride will be looked after by her in-laws and as soon as she comes of age it should be handed over to her. It also deprived the husband and his relatives of the right to utilize the dowry brought by the bride to their house.” <sup>21</sup>

Thus, articles 91 to 93 allow the married woman the right to succeed and bring her on a par with man.

The Hindu Code Bill contained legalization of women's right to inherit father's property. This was an important provision which furthered the equality between men and women.

## **Changes made in the Adoption Procedure:**

The articles 56 to 66 deal with elaborate provisions for the adoption procedure. Two major changes have been brought about in the procedure of adoption: "1. The husband has to seek his wife's permission before the adoption is done. 2. If the widow is to adopt somebody, the deceased husband should have registered for adoption or given consent in his will. " <sup>22</sup>

By this right the process of adoption was legalized and criteria for adoption were chalked out in the Bill.

## **The Requirements to be fulfilled for Adoption:**

Adoption can't be done except the mother and the father. They must be mature, above 18 years of age and healthy in the mind. The article 66 further states that,

1. "One child can't be adopted by more than one couple.
2. The couple desiring for adoption must not have an issue.
3. The adoption must be realized by the mutual consent of the donor and the beneficiaries."<sup>23</sup>

These provisions were made in order to keep the process of adoption free of the sense of deception and suspicion.

## **Cast condition stood Nullified:**

Before the formulation of the Hindu Code Bill, "the adoptions used to be caste-based. The ancient Hindu law made adoptions to be caste-specific phenomena. Adoption outside the caste would be prohibited. The prevalence of the spirit of casteism was put aside by the formulation of the Hindu Code Bill. Consequently, adoption within or outside the caste is allowed. "<sup>24</sup>

The Hindu Code Bill thus made elaborate provision of adoption along with its requirements, necessary documents, age and other things.

Dr Ambedkar condemned the Indian caste system. He made it quite clear that adoptions should be entirely freed from caste associations.

## **Ban on the Second Marriage:**

“The Hindu Code Bill bans the second marriages. The men-folk during the conventional society in the past had freedom of marrying as many times as they wanted. But the Hindu Code Bill prohibits the second marriages. The second marriage of the either spouse without divorce is a cognizable crime according to article 25.”<sup>25</sup> During the ancient times the Hindu man enjoyed the liberty of marrying as many times as he wished. “The Kuleen marital system in Bengal is said to have inspired a Bengali man to marry five hundred spouses. One of devotees visiting Pandharpur is said to have written down the names of five hundred wives in the registration book. The wives of such men in Bengal would live in different places. There couldn’t be any physical or emotional relationship between the husband and all his wives. While delivering a lecture on the Hindu Code Bill at Siddhartha College on 1<sup>st</sup> January 1950 Dr Babasaheb Ambedkar cited the above example in order to underline his contempt of polygamy in the Hindu society.”<sup>26</sup>

Thus, the abolition of the cruel practice of polygamy in the Hindu religion turned out to be a big relief for the women-folk and earned them stability in their marital life.

The Hindu society had the practice of polygamy. The Hindu men would marry more than one woman, which would aggravate the misery of women. Thus, barring few exceptions, the Hindu husbands were not allowed to marry the second time if the first wife was alive.

## **The Provision for the Minor and Parenthood:**

The 77<sup>th</sup> article of the Fourth Section of the Hindu Code Bill puts forth the provision for the identity of the minor and parenthood. It consists of the description of ‘minor’. “Minor is the one who is below 18 years of age.

Article 78<sup>th</sup> states parenthood:

- The parenthood of the child below 3 years of age is given to the mother and the father.
- The guardianship of the illegitimate son or unmarried daughter is given first to the mother and then to the father.
- The guardianship of the adopted child is shifted from its original mother and father to the foster parents.”<sup>27</sup>

In this manner a crucial provision was made for the welfare of the minors, considering the safety of the minors and the responsibility of the parents towards them.



## **Parents' Rights:**

“The parents of the minor according to the 80<sup>th</sup> article of the Bill are allowed sufficient and appropriate rights in the interest of the minor.”<sup>28</sup>

The afore-stated list exhibits the significant provisions made in the Hindu Code Bill and the most important part of it is the provisions made in the comprehensive interests of the women in the Hindu religion.

## **The Debate on the Hindu Code Bill in the Parliament: (11<sup>th</sup> February 1949 to 14<sup>th</sup> December 1950)**

The Hindu Code Bill, before it was presented in the Parliament, had attracted a lot of hot debate from the conventional and the orthodox Hindus. “There had been combat of words between Dr Rajendra Prasad and Pandit Jawarlal Nehru over the Bill. Dr Babasaheb Ambedkar, after having consulted his Select Committee companions, presented the Bill in the Parliament. The eleven members of the Select Committee had appended their opinions to the Bill, which was brought on the floor of the Lok Sabha on behalf of the Indian Government by Dr Ambedkar on 24<sup>th</sup> February 1949.”<sup>29</sup>

## **The Parliamentary Debate:**

“The Hindu Code Bill was made a butt of ridicule in the Lok Sabha. Dr Ambedkar gave a detailed statement regarding the Bill and the reactions given to it in his resignation letter. The Bill was given four days of February, one day of March and two days of April for debate in the year 1949. Finally, it was allowed only one day in the month of December 1949. It was the day which invited Dr Ambedkar to present the draft of the Bill in the Parliament. However, in the year 1950 the Bill was not paid any attention at all.

The Bill was taken for debate on 5<sup>th</sup> February 1949 and each article of the Bill was discussed; and three days were allotted to this were 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> February. The result was the collapse of the Bill. On 17<sup>th</sup> September 1951, as it was the day of the last Session, the Bill was expected to be discussed over; but, while the debate was going on, Pandit Nehru decided to stall it.”<sup>30</sup>

## **The Followers and Detractors of the Hindu Code Bill:**

Dr Babasaheb Ambedkar had been trying very hard to get the Bill, which had been formulated after so much of contemplation and churning, passed in the Parliament. It had

become a matter of prestige for him. However, he didn't succeed in getting sufficient support, as there were both detractors and followers of the Bill.

### **The Detractors:**

There had been many detractors and opponents of the Bill and so much of variety among them. The reasons for their antagonism were religious, political and caste-conscious. Following is a list of those who were against the Hindu Code Bill:

### **Rajendra Prasad:**

Dr Rajendra Prasad was one of the staunchest opponents of the Hindu Code Bill. He first showed his opposition to the Bill when under the supervision of Dr Babasaheb Ambedkar the Select Committee was set up in the year 1947. He is supposed to have sent a letter to that effect to Pandit Jawarlal Nehru. He sent another letter to Nehru on 24<sup>th</sup> July 1948.

“My dear Jawadharlaji----- I do not know when and where we made a promise or gave an assurance about the Bill. I know that there are some people who want it but if you were to take the people at large, I am afraid, a vast majority would not go for it. So it is not so much giving up something which you consider right because some people object to it, but forcing something on the people at large because some people consider it to be right and want it. Apart from this consideration I might also mention that it is bound to rouse bitter feelings and will have repercussions which may affect the chances of the Congress at the next election. I am not impressed by the fact that some people regard the Congress as reactionary or conservative nor do I think that anything and everything that they call progressive is necessarily good. We have to weigh how it will be received by the vast bulk of Hindu public against what foreigners outside India and those who call themselves ‘progressive’ would say. My feeling is strong on the point that we shall be riding roughshod on the cherished sentiments of the vast bulk of our people and that without having any warrant or sanction from them simply because we consider certain things to be right.”<sup>31</sup>

He was of the opinion that the then Council of Ministers had no right to formulate rules regarding the civic life of the people in general, as the members of the Legislature and the Ministry was not elected by the people of India. Thus, the Legislature didn't have

any right to entertain the Hindu Code Bill. He threatened Nehru that he would undertake stance against the Bill, if it was sanctioned.

### **Pattabhisitaramayya:**

Pattabhisitaramayya was yet another detractor of the Bill. "He reasoned that the political house like the Loksabha had nothing to do with the Bills concerned with the religious and civic life of the people. The Parliament, to him, was essentially a political house with political rights only. The social life of the people was not a part of the Parliament. To top it all, the Manifesto of Indian National Congress had no scope for the Hindu Code Bill. He strongly recommended that the Bill must not be passed by the Loksabha."<sup>32</sup> Thus, Pattabhi Sitaramayya, a senior leader of Indian National Congress, showed his opposition to the Hindu Code Bill.

It was a politically motivated opposition. The law might have been passed like the Constitution of the nation.

### **Pandit Mukut Biharilal Bhargav:**

The representative of the province of Ajmer-Mewad Pandit Mukut Biharilal Bhargav too argued that the Hindu Code Bill couldn't be sanctioned by the Loksabha, since "it was not constituted by a mandate as such. He further stated that the forthcoming elected Members of the Parliament would have the right to discuss and decide the fate of this Bill."<sup>33</sup>

### **Thakurdas Bhargav (Punjab):**

Thakurdas Bhargav condemned the Hindu Code Bill, "since to him the provision for Women's right to parental property was not acceptable."<sup>34</sup>

It was an opposition based on financial reasons. The daughter would get her share in her father's property, which meant the son-in-law would take advantage of his father-in-law's property.

### **Nazruddin Ahamad (West Bengal):**

The leader of the Muslim League and one of the constituents of the opposition Maulana Nazruddin Ahamad deplored the Bill. Whenever the Bill was flooded, he

deliberately created hurdles and saw that the proceedings were halted. One on occasion, he held forth as long as seven successive hours with the sole intention of killing time.

Maulana Nazruddin Ahmad, despite being an orthodox Muslim leader, criticized the Hindu Code Bill. The most surprising thing was he didn't hesitate to collaborate in this drive with the Hindu reactionary leader Pandit Lakshmikant Maitreya. The common reason they shared was that the Hindu Code Bill was aimed at only one caste and hence it was against the Constitution of the nation. They desired that the Bill would be rejected in the High Court, if at all it was passed by the Lok Sabha. "Thus, the Bill must be kept optional and let the people decide what to do."<sup>35</sup>

Nazruddin Ahmad, in spite of being a staunch supporter of Muslim League, opposed the Hindu Code Bill which had not included the Muslims in its fold.

### **Dr Shamaprasad Mukharji:**

Dr Shamaprasad Mukharji, after having quit the Indian National Congress, manifested his opposition to the Hindu Code Bill and argued that "Dr Babasaheb Ambedkar wanted to become the modern Manu or Yaadnyawalkya of India. He was particularly against the prohibition on polygamy, as he said the practice of polygamy in the Hindu religion would automatically go out of vogue in the course of time, hence a legal provision against it was out of question."<sup>36</sup>

The opposition was directed to the prohibition on the conventional polygamy in the Bill which made a provision in favour of monogamy.

### **Madanmohan Malawiya:**

"Pandit Madanmohan Malawiya too was a detractor of the Bill and delivered a lecture of two and a half hours to stall the debate over the Bill."<sup>37</sup>

The reason of the opposition consisted in the fear of religious traditions being terminated.

### **Shri Bhat:**

Shri Bhat spoke against the Bill, since it was antinational to him. "He made an appeal to all the Members of the Lok Sabha that they should vote against it and reject it."<sup>38</sup>

A lot of attempts were made to stall the Hindu Code Bill.

## **Shri Das:**

Shri Das was yet another opponent of the Bill. "He avowed that he would oppose it to the last breath of his life."<sup>39</sup>

## **The Orthodox leaders within the Indian National Congress who were against the Hindu Code Bill:**

The conservative hardliners within the Congress Party like the veteran leaders- "Vallabhabhai Patel and Y.K.Krupalani were against the Bill. The Hindu fundamentalists within the Congress were substantial in number. It included even the Deputy Speaker, Anantsayanam Ayyangar, who had openly declared the monogamy per se, was not good and that too in the wake of the death of children and there was no harm in allowing polygamy. The fundamentalists sabotaged the attempts of Dr Ambedkar to proceed with the legislation. The fact, that Dr Ambedkar was outside the Congress Party, made his task more difficult."<sup>40</sup>

## **The Indifference of the Congress Party:**

One of the major reasons why the Hindu Code Bill flopped was the indifferent attitude adopted by the Congress. "The Congress had neither issued any notification in favour of the Bill, nor any whip. It was a fact that the ruling party had presented the said Bill. The Party had not directed its Members to support the Bill. The very President of the Congress Party, Pattabhisitaramayya, was against the Bill. If the Congress Party High Command had issued the whip, the Hindu Code Bill might have been sanctioned in the Loksabha."<sup>41</sup>

## **The Behaviour of the Congress Spokesperson:**

The Parliamentary Affairs Minister and the Spokesperson of the Congress Shri Satyanarayansinh was queer as he criticized the Bill. Shri Satyanarayansinh condemned the Bill, just as "it was condemned by Shri Ayyangar, the Deputy Speaker of the House. While reacting to this antagonism, Dr Ambedkar said that he was persecuted by the opponents of the Hindu Code Bill. He was not supported by the Ministers of the ruling party. The Members of Parliament intentionally killed the time and hurdled the proceeding of the Bill. There was no time restriction whatsoever. If the senior leaders had been serious and if so much of time had not been wasted, it would not have been difficult to get the Bill passed.

The Congress Spokesperson had failed to discharge his responsibilities in this regard. Every article in the Bill was unnecessarily chewed and ruminated by the Members and the Parliamentary Affairs Minister didn't budge."<sup>42</sup>

### **The Opposition shown by the Religious Leaders:**

The Hindu religious system came out with a lethal attack on the Hindu Code Bill.

#### **Shankaracharya Brahmanand Saraswati:**

The Chief of Hindu religion Shankaracharya Brahmanand Saraswati opposed "the Bill declaring it to be an attack on the age-old Hindu culture and tradition. He further stated that the Bill was an attempt at undermining the very basis of the caste system of the Hindu religion."<sup>43</sup>

#### **Swami Karanpatri Maharaj:**

Swami Karanpatri too launched virulent attack on the Hindu Code Bill. He reasoned that "being a secular state, Indian Government didn't have any right to dabble into the religious matters. Hindu religion being conventional, the members of the religion had every right to mould their social and religious behavior accordingly. With a view to provoke the people, he fabricated that the Hindu Code Bill had a provision for the marriage of brother and sister. He propagated that the Bill was deliberately written in English so that the people were easily misled." <sup>44</sup>

#### **Shankaracharya of the Sankeshwar Peeth:**

The so-called protector of the Hindu religion, Shankaracharya, went from place to place and roused the public opinion against the Bill. On 18<sup>th</sup> January 1950 he was on a visit to Pandharpur. The temple of Lord Vitthal had just been opened for the untouchables; hence he didn't enter the temple but addressed a public meeting outside the temple. He spat his anger at "Dr Ambedkar and declared the Hindu Code Bill to be Bhimsmruti. He said he was against the Bill which was made by Dr Babasaheb Ambedkar, a Dalit. He wouldn't accept the legalization of socio-religious matters by a person with low-caste birth. "

### **Swami Satyanand Saraswati:**

In protest against the Hindu Code Bill, Swami Satyanand Saraswati sat “for fasting from 17<sup>th</sup> September 1951. There had been so many persons who gave their moral support to the fast undertaken by the Swami. ”

### **Hindu Mahasabha:**

The Hindu Mahasabha too antagonized the Hindu Code Bill. It vociferated its opposition of the Bill both in and outside the Parliament. “It subscribed to the opinion that the Government must refrain from formulating laws concerning religious life. It criticized the Bill to be anti-Hindu and against the ancient Hindu culture. ”<sup>46</sup>

### **Women’s movement against the Hindu Code Bill:**

There had been a lot of ill-will generated by the orthodox Hindu men against the Hindu Code Bill and to make the matters worse “the Hindu women too came out with their vengeance at the Bill, notwithstanding the fact that the Bill was almost like ‘Manifesto of their liberation’. The fast launched by the Hindu Mahasabha from 17<sup>th</sup> September 1951 in protest against the Bill witnessed majority of women participating in it. The women condemned Dr Babasaheb Ambedkar only at the behest of their husbands and entirely ignorant of the facts in the Bill. Dr Ambedkar appealed to one of the women delegations to give up the misinterpretations of the Bill and try to understand its significance from at least women’s point of view. ”<sup>47</sup>

### **The Stance taken by the Sikh Community:**

The Sikh community represented by men like “Sardar Mann and Hukum Singh resented being clubbed with the Hindus. They considered the Bill to be a dubious attempt on the part of Hindus to abuse the Sikh community. ”<sup>48</sup>

### **The measure reasons for the Opposition to the Hindu Code Bill**

The main reasons for such opposition to the Hindu Code Bill in and outside the Parliament are as follows:

### **1. Religious Fanaticism:**

The Hindu Code Bill was mainly condemned by the religious fanatics and orthodox people in the Hindu community. The attack was spearheaded by Shankaracharya on the basis of the conviction that the ancient customs and traditions could never be changed. The detractors of the Bill desired a continuation of the practices propounded by the Manu Smruti.

### **2. Casteism:**

The Hindu Code Bill was highly criticized by the orthodox elements in Hinduism, since the Bill was formulated under the supervision of Dr Babasaheb Ambedkar, a leader with lowly birth in the Hindu religion. Shankaracharya of the Sankeshwar Peeth reviled the Bill, since it was drafted by a lower caste person, Dr Ambedkar. The Hindu religious leaders questioned the right of Dr Ambedkar to form Bill for the Hindus.

### **3. Political Opposition:**

The Congress leaders feared that the resentment against the Hindu Code Bill might damage the vote-bank of the Party, which meant a poor performance in the forthcoming elections. "Leaders like Pattabhisitaramayya opposed the Bill on the basis of political motivations, just as Dr Rajendra Prasad and Vallabhabhai Patel did. To top it all, Pandit Jawaharlal Nehru, who had been in favour of the Bill, suddenly turned his blind eye to it considering the dismal political prospects. It was Pandit Nehru who demanded Dr Ambedkar put off the proceeding of the Bill. Thus, the Congress Party, being entirely motivated by power politics, withdrew its support to the Bill and there was an opinion that the Bill might be entertained after the general elections were over."<sup>49</sup>

### **4. Financial Motivations:**

"The Hindu Code Bill provision for women's right to parents' property on a par with men made the business community restless, since they feared the possibility of losing a share of their property to their sons-in-law. Thus, the opposition to the Bill involved the possible financial consequences."<sup>50</sup>

### **5. The Religious Rites and Rituals:**

According to the Hindu traditions, son is believed to be the true successor of the family. The family without a son would ruin. The son is expected to do the final rites of his dead father; otherwise, the father would not get salvation. If a man would not have a son



from his wife, he would marry again for begetting a son. However, the Hindu Code Bill had banned the second marriages, making the conditions of the families without sons religiously critical.

#### **6. Demand for Uniform Civil Code:**

The Muslim religion was kept out of the fold of the Hindu Code Bill. This meant the Hindu men would not be able to marry more than once, however, the men in the Muslim religion were allowed to marry more than once. Thus, the Bill that was meant for only a section of the Indian society lacked uniformity; the demand for the Uniformed Civil Code started to surface during this period only. Answering the demand for the Uniformed Civil Code Dr Ambedkar had said that he could formulate such a Code however he doubted if it would be viable in a nation with so much of religious and cultural diversity.”<sup>51</sup>

#### **Dr Ambedkar’s Defense of the Hindu Code Bill:**

The Hindu Code Bill was introduced in the parliament and debated on the floor of the house, the opposition was strong against the Bill by pointing out the drawbacks of Indian society and arguing that the ideas in the Bill are based on the constitutional principles of equality, liberty and fraternity and that in the Indian Society characterized by the caste system and the oppression of women since women are deprived of equality, a legal frame work is necessary for the social change in which women have equal rights with men. He also pointed out that the aim of the bill was “to codify the rules of Hindu law which are scattered in innumerable decisions of High Court and Privy Council which form bewildering motley to the common man”.

#### **The Followers of the Hindu Code Bill:**

There had been followers of the Hindu Code Bill just as there had been its detractors.

#### **Pandit Jawaharlal Nehru, a staunch follower of the Bill in the initial stage:**

Pandit Jawaharlal Nehru had been a staunch supporter of the Hindu Code Bill. He had been supporting the Bill right from its conception. He had been in confrontation with the then President of India Dr Rajendra Prasad over the Hindu Code Bill. “Nehru had gone to the extent of declaring that he would resign from the post of Prime Minister, if the Bill was not passed.” President Dr Rajendra Prasad wrote a ten-article letter to Prime Minister

Nehru and threatened that he would stall the Bill by virtue of his Constitutional right, if it was passed by the Parliament. Pandit Nehru replied to the President's letter in the following way:

“My dear President, the legal and constitutional questions you raised are important. In the last paragraph of your note, you have mentioned that it may be necessary for you to inform parliament of your viewpoint. You also refer to your right to examine the Bill on its merits when it is passed by Parliament before giving your assent to it.

These are serious matters of great constitutional importance. They might involve a conflict between the President on the one side and the government and Parliament on the other. They would inevitably raise the question of the President's authority and powers to challenge the decision of government and Parliament. The consequences would obviously be serious. I don't wish to say much on this subject except that, in our view the President has no power or authority to go against the will of Parliament in regards to a Bill that has been well considered by it and passed. The whole conception of the constitutional government is against any exercise by the President of any such authority the question of the competence of the present Parliament to enact such a measure was raised in the Parliament itself and after much discussion the Speaker gave a ruling on the subject. It is hardly open to anyone; even to the President to challenge that decision. Otherwise, the question would arise as to whether the Parliament is the supreme legislative authority in country or not.”<sup>52</sup>

In this way Pandit Jawaharlal Nehru strongly supported the Hindu Code Bill through his letter addressed to the President.

However, Pandit Nehru changed his stance to the Hindu Code Bill in the course of time. “He feared that the Congress Party would lose its vote-bank if the Bill was sanctioned by the Parliament before the forthcoming general elections. Hence, in stead of withholding his support to the Bill, Nehru gave in to the political future of the Party and ordered the withdrawal of the Bill. Dr Babasaheb Ambedkar is believed to have criticized the shifting stance assumed by Pandit Nehru toward the Hindu Code Bill. While addressing at the women's meeting at Dadar, in the then Bombay, on 24<sup>th</sup> November 1951, he held the Congress Party and Pandit Nehru responsible for the failure of the Hindu Code Bill. ”<sup>53</sup>

## **The Other Followers of the Hindu Code Bill:**

### **1. Acharya Krupalani:**

Acharya Krupalani supported the Hindu Code Bill. "He admired the Bill for the provisions for women and Hindu society in general. He defended the Bill in the Parliament and insisted that it must be sanctioned."<sup>54</sup>

### **2. Kamala Choudhary:**

Shrimati Kamala Choudhary defended the Hindu Code Bill by calling it to be in favour of women. She added that "there was nothing heretical in the Bill and it must be passed by the Parliament."<sup>55</sup>

### **3. Padmaja Naidu:**

There had been people who came out with their open support of the Bill. Padmaja Naidu, R.L.Angare, Pandit Hridayanath Kunzru, Shrimati Jayashree admired Dr Ambedkar by saying, " The author of the Bill does not stand in need of any word of praise from me for this measure whether this house chooses to accept or reject it."<sup>56</sup>

### **4. N.V.Gadgil:**

Two of the Ministers Shri N.V.Gadgil and Pandit Hridayanath Kunzru spoke in favour of the Hindu Code Bill and attacked the orthodox elements at the top of their voice on 18<sup>th</sup> September 1951. The speech delivered by Shri N.V.Gadgil was especially very passionate. "He reiterated that the 80% of the Bill was based on varieties of Hindu theology and 20% on reformation of religious practices. According to the Constitutional principles of equality and fraternity, the Hindu Code Bill must be accepted. The two Ministers appealed to the Parliament that it must give up the old customs and traditions and endear the new ones. "

### **5. Shrimati Durgabai:**

Shrimati Durgabai defended the Hindu Code Bill. She appealed to Pandit Nehru "to see that the Bill was passed by the Parliament. She subscribed to the provisions like women's right to succession and feared that women would stand to lose a lot, if the Bill was stalled. "

## **The Social Organizations which Supported the Bill**

On the very third day of the presentation of the Hindu Code Bill in the Parliament, twenty four social organizations and women's organizations in particular held a conference "In Lavtaski Lodge on 27<sup>th</sup> February 1949 in collaboration with National Social Conference. The conference was presided over by Dr V.P.Kane. The conference unanimously demanded that the Hindu Code Bill be passed and legalized without further delay. "57

### **Support extended by V.S.Khandekar, the noted Marathi writer:**

The backward community in Kolhapur had convened a public meeting on 16<sup>th</sup> February 1950 to condemn "the criticism hurled by Shankaracharya at the Hindu Code Bill. The noted Marathi writer V.S.Khandekar was one of the speakers who criticized the Shankaracharya and held Dr Babasaheb Ambedkar in high esteem. "

### **Nehru's Withdrawal of the Hindu Code Bill**

The Hindu Code Bill received more negative criticism than it received positive appreciation. The Congress Party, which enjoyed majority in the Parliament, could not show its consent to get it passed. There had been a lot of debate over the Bill but only the first four articles of the Bill could be sanctioned. On the one hand, the Parliament had been wasting time on the fruitless discussion of the Bill, and on the other "Pandit Nehru came out with his decision to withdraw the Bill."

### **Dr Ambedkar's Reaction:**

Dr Babasaheb Ambedkar reacted instantly to Nehru's decision of withdrawing the Hindu Code Bill and he exclaimed that he was more pained by the failure of the Bill than he would be pained at the loss of his own child. He is recorded to have said "It (the Hindu Code Bill) was killed and buried, unwept and unsung." The culmination of the failure of the Hindu Code Bill was Dr Ambedkar's resignation from the Law Ministry."58

### **Resignation of Dr Babasaheb Ambedkar:**

On the second day, i.e. 27<sup>th</sup> September 1951, of the withdrawal of the Hindu Code Bill, Dr Ambedkar resigned from the Ministry of Law. He stated in his resignation letter that the irresolution in getting the Bill passed in the Parliament turned out to be its doom. That

he had given utmost importance to the Bill and he remained a part of the Congress Cabinet Ministry with sole intention of getting the Hindu Code Bill sanctioned in the Parliament. ”

Dr Ambedkar wrote the following letter to the Prime Minister,

“For a long time I have been thinking of resigning my seat from the cabinet. The only thing that had held me back from giving effect to my intention was the hope that it would be possible to give effect to the Hindu Code Bill before the life of the present parliament came to an end. I even agreed to break up to Bill and restrict it to put an end. I even agreed twenty break-ups of the Bill and restrict to marriage and divorce in the fond hope that at least this much of our labour may bear fruit. But even this part of Bill has been killed. I see no purpose in my continuing to be member of your cabinet.

I would like my resignation to take effect immediately the only possible consideration that may come in the way of your accepting my resignation is the fact that there are certain Bills and Motions standing in my name and which have not yet been finished. But I feel that my absence may not be felt because these Bills and Motions can be put through by any other Minister of your cabinet. However, if you wish that I should put them through before my resignation takes effect. I shall be prepared to stay on till they are finished but only till then. For I do not wish to deny the activity I owe to you and the cabinet. In that event I would request that the Bill and Motions standing in my name should be given priority over others. ”<sup>59</sup>

Dr Ambedkar wrote another letter to Prime Minister Nehru on 1<sup>st</sup> October requesting that he would address the Loksabha on 6<sup>th</sup> October and then his resignation might be accepted. Nehru agreed to the request of Dr Ambedkar.

However, the Deputy Speaker of the Loksabha rejected Dr Ambedkar’s request of addressing the House. Being a sculptor of the Indian Constitution and the Minister of Law Dr Ambedkar rose to speak, but he was not allowed by the Deputy Speaker in the Chair. The Deputy Speaker allowed one Honourable Mehatab to present a bill on 11<sup>th</sup> October. The Deputy Speaker said if Dr Ambedkar had given a copy of his speech, he would have allowed him to speak. He further said as Dr Ambedkar had resigned, he could not be allowed to speak. ”<sup>60</sup>

### **Dr Ambedkar left the House with Dignity**

“When Dr Babasaheb Ambedkar saw that he was not allowed by the Deputy Speaker on the grounds of his not having given the address in the written form, he decided to quit the House with dignity. He collected all the papers and started to leave the House.

The entire House saluted and clapped at the commitment, the decorum and the poise shown by Dr Babasaheb Ambedkar in resigning from the Ministry and walking quietly out of the House. Thus, the Sculptor of the Indian Constitution had to leave the House. ”

After having left the Parliament, Dr Ambedkar distributed the copies of his address to the journalists; the address contained the following five points:

- “1) Pandit Nehru didn’t keep the promise that he would give the charge of the Planning Ministry to Dr Ambedkar.
- 2) The Government was indifferent towards the issues of the Scheduled Castes and Scheduled Tribes.
- 3) The Government policy on Kashmir was inappropriate.
- 4) The foreign policy of the Government was inapt, which meant an increase in the number of India’s enemies.
- 5) The failure of the Hindu Code Bill”<sup>61</sup>

Dr Babasaheb Ambedkar told the presspersons that he had to resign on account of the above-cited five reasons.

## **Comments of the Failure of the Hindu Code Bill**

### **1) Pandit Nehru:**

Dr Ambedkar held Pandit Jawaharlal Nehru responsible for the failure of the Hindu Code Bill. In a speech delivered on 25<sup>th</sup> November 1955 at Dadar, he said “if Pandit Nehru had not surrendered, the Hindu Code Bill would have been sanctioned by the Parliament.”<sup>62</sup>

### **2) Indifference shown by Women:**

“The Hindu Code Bill was originally a means of winning the women their social, economic and religious rights. However, the women couldn’t show any attachment towards the Bill, regretted Dr Ambedkar. The Bill, which was in the wider interests of women, was virtually baffled by their apathy. He further said that he, in spite of being a man, fought for women, but women didn’t show any enthusiasm at all. The Bill was criticized and opposed by both the common women and the women with erudition. ”<sup>63</sup>

### **3) Apathy exhibited by the Progressive-minded People:**

The former Chief Justice of India, P.A.Gajendragadkar attributed the failure of the Hindu Code Bill to the apathy shown by “the progressive-minded people. The indifference on the part of the intelligent and progressive people was not justifiable. The attempts at reformation in the Hindu religion, to P.A.Gajendragadkar, had always been baffled. However, in the case of the Hindu Code Bill, the intelligentsia must have taken precedence in defending the Bill. When the Bill was presented in the Parliament, the intellectual Members kept silent. Hence, the class of intellectuals was held responsible for the defeat of the Hindu Code Bill. ”

### **Dr Babasaheb Ambedkar’s Attitude towards the Bill**

Dr Babasaheb Ambedkar had given utmost importance to the Hindu Code Bill. He reacted instantly to Nehru’s decision of withdrawing the Hindu Code Bill and exclaimed that he was more pained by the failure of the Bill than he would be pained at the loss of his own child. In the resignation letter written to Prime Minister Jawaharlal Nehru, Dr Ambedkar said despite his sickness, he remained in the Ministry with a view to getting the Hindu Code Bill passed in the Parliament. This is sufficient to show how Dr Ambedkar had been keen on getting the Hindu Code Bill sanctioned. ” He defended the Hindu Code Bill in the following manner:

### **1) Attempts at Legalization of the Hindu Customs and Traditions:**

Dr Ambedkar had dedicated himself to the task of compiling all the customs, conventions and traditions of the Hindu religion under the Hindu Code Bill. He brought the Daaybhaag, the Mitaakshari, the Marumakkatam and the Aliyaasantaanam systems of laws under one rubric, i.e. the Hindu Code Bill. There had been divers’ legal systems in the Hindu religion; hence Dr Ambedkar had to collate all the community and cult-specific conventions and traditions into the Hindu Code Bill. ”<sup>64</sup>

### **2) Basis of Ancient Theology:**

The detractors of the Bill had launched a virulent attack on the Bill. Dr Ambedkar reiterated that the Bill was founded on the ancient religious philosophy propounded by Kautilyaa. He cited the custom of allowing a woman the alimony from the Kautilyaa’s writings and different Smrutis. ”<sup>65</sup>

### **3) Defense of the Right to Divorce:**

A woman must have a right to divorce her husband, if she and her husband wouldn't get along with each other. Dr Ambedkar defended "women's right to legal separation and maintained that this had been a practice since time immemorial. The members of the communities which were declared untouchable had the incidence of divorces, however the upper castes didn't have any place for this provision. Dr Ambedkar claimed that 90% people in India were 'untouchable'; hence they should not be denied their right. He expressed his concern at the way the orthodox people had been opposing the Hindu Code Bill."<sup>66</sup>

### **4) Refutation of the Opinion in favour of Customs and Traditions:**

While refuting the utility of the Hindu Code Bill, several Members of the Parliament had praised the customs and traditions practiced in the rural life of Hindu religion. Addressing to the appreciation of the old customs and traditions by the orthodox Members, Dr Ambedkar confessed that the Indian culture was strengthened by "the customs and traditions, but it made the life of the people quite servile. The history of India is a history of servility and slavery, thus, the claim that the old customs and traditions were excellent was unfounded."<sup>67</sup>

### **5) Reformation for the Integrity of Hindu Religion:**

While the debate on the Hindu Code Bill had been going on in the Parliament, the Princely States were getting merged in the Indian Union. The family laws of these Princely States were different from one another. The Hindu Code Bill was conceived with the intention of bringing together the regions and societies into a harmonious integrity. "

### **6) Efforts for Introducing the Bill to the Common People:**

In order to stall the Bill people like Swami Karpatri began to spread the rumour that the Bill contained the provision which allowed marriages between sisters and brothers. Fearing the misinterpretation and defamation of the Hindu Code Bill, Dr Ambedkar got the draft of the Bill translated into Hindi and Urdu languages by his translator Pandit Mohanlal Shastri,"<sup>68</sup> so that the people got acquainted with the original draft of the Bill and didn't have any doubts about the integrity of the makers of the Bill. The translated copies of the Hindu



Code Bill were sent to different organizations and the common people. Dr Ambedkar decided to hold discussions with the dissenting religious leaders and practitioners. He met the women's organizations and held conversations with the women members on the significance of the proposed Bill.

## **7) The Bill, superior to Self-respect**

While the Hindu Code Bill was on the floor of the Lok Sabha for discussion, there had been Members of the Parliament who had been taking Dr Ambedkar to task over the issue of the Bill. They were wasting time in criticizing Dr Ambedkar. This made Dr Ambedkar tell these Members that he wouldn't mind allegations and accusations, but he wanted the Bill to pass. He said that "you may abuse me as much as possible provided you do not take much time. I am concerned more with time than with abuses."<sup>69</sup>

Thus, Dr Ambedkar attributed more importance to the Bill than his honour. It is a fact that Dr Ambedkar played a vital role in the formation of the Hindu Code Bill.

### **Objectives of the Hindu Code Bill:**

Dr Babasaheb Ambedkar had been relentlessly serious about getting the Hindu Code Bill passed in the Parliament. Unfortunately, only the first two articles could be discussed and sanctioned. Pandit Nehru wanted Dr Ambedkar withdraw the Bill and eventually Dr Ambedkar resigned from the Ministry. In the 1952 general elections the Indian National Congress won the power at the centre. Pandit Nehru got the articles in the Hindu Code Bill in peaces. Following is a list of the Acts sanctioned from the Hindu Code Bill, formulated by Dr Ambedkar.

1. Special Marriage Act-1954.
2. Hindu Marriage Act-1955: This Act contains the provision for seeking divorce, if the husband is impotent, suffers from psychological disorders, and is disloyal or adulterous.
3. Hindu Remarriage Act-1956: The remarriage of a widow is allowed under this Act. The women are given the financial rights.
4. Hindustan Adoption and Maintenance Act-1956:
5. Hindu Minority and Guardianship Act-1956:

Thus, the then Prime Minister Pandit Jawaharlal Nehru had to bring about some of the important Acts. Although Dr Ambedkar's Hindu Code Bill ran aground under, it was passed in phases later. It was during the pre-independent period that Dr Ambedkar demanded the then British Government in India that the working women be given maternity leave. The Indian Government woke up to Dr Ambedkar's call and came out with its Resolution of six month maternity leave for the working women in the year 2007-08. There have been other provisions for women's empowerment and it goes without saying that Dr Ambedkar has been the chief source of inspiration for the changed attitude towards women in India.

### **Conclusion:**

Dr Ambedkar attributed more importance to the Bill than his honour. It is a fact that Dr Ambedkar played a vital role in the formation of the Hindu Code Bill.

The sole motivation behind the conception of the Hindu Code Bill was reviving the dignity of women by winning them their rights. The credit of forming the Bill goes to Dr Babasaheb Ambedkar. The Bill had the provisions like- women's right to succession, their right to divorce, alimony, adoption, monogamy and others. Dr Ambedkar had put in studious efforts in drawing the Bill. The passage of the Bill by the Parliament would have strengthened the Hindu society in general and Hindu women in particular. However, there came into being an unprecedented hostility to the Bill and Dr Ambedkar had to resign from the Ministry of Law in protest against the growing opposition. Nevertheless, the Bill was later brought into force by Pandit Nehru in phases. Though the Bill was sanctioned, Dr Ambedkar's regret that it should have been passed in the first attempt was justified.

The gradual acceptance of the Hindu Code Bill by the Parliament after the Congress Party winning power bore fruit to the unprecedented efforts and commitment shown by Dr Ambedkar. If the modern Indian women enjoy different rights, the credit goes to the foresight of Dr Babasaheb Ambedkar only.

Although the women today enjoy a measure of reservation in Local Self Government bodies and Government offices, the Bill for women's 33% reservation in the Parliament and State Legislatures is yet to be sanctioned. This has been a demand of the women for decades together. The Bill for women's reservation creates so much of chaos in the Parliament that it is put on the backburners. It is not that all political parties reveal their opposition to the Bill, but they don't whole-heartedly support it either. Thus, a just demand

of the women gets neglected and makes one remember a leader of Dr Babasaheb Ambedkar's stature.

The kind of sacrifice exhibited by Dr Babasaheb Ambedkar for the betterment and emancipation of Indian women is certainly unparalleled. If the present politicians show the spirit of Dr Ambedkar in pursuing the women's reservation Bill, the women will get their quota of reservation in the Parliament and the State Legislatures.

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## Chapter – V

### Summary and Conclusion

We have dealt with various dimensions of Dr Babasaheb Ambedkar's perspective on the empowerment of women in an elaborate way. The thesis is constituted by five chapters.

#### Summary

Today women's empowerment is one of the key issues the Indian society has to face. It is a fact, in spite more than sixty years of Independence we witness social inequality, casteism and discriminations against the members of ST and SC. The situation is getting worse in case of women, who are frequently victimized, brutalized and burnt for dowries; on the other hand, the participation of women in the political sphere is considerably low. The patriarchal family system in Indian society makes women have only the secondary status.

Dr Babasaheb Ambedkar, the architect of the Constitution and the maker of the Hindu Code Bill was in favour of women's betterment in India. Therefore, it is absolutely necessary to study the strategies propounded by Dr Ambedkar regarding the emancipation of women. The present study makes an attempt at addressing this problem in terms of Ambedkar's solution.

#### Dr Babasaheb Ambedkar and Empowerment of Women

This chapter presents the attitude of Dr Ambedkar towards the issue of women's emancipation. He arrived at a conclusion that women were the 'gate way' of the caste system. Many restrictions were put on women who bore the onus of maintaining the caste identities. His answer to the misery of the caste system was inter-caste marriages. Dr Ambedkar criticized the fundamental reasons responsible for the exploitation of women. He was against polygamy which was an expression of male domination. For him both men and women must have equal status. He opined that men and women should be given equal wages for the same kind of work. Dr Ambedkar emphasized the need of giving women their due respect and freedom. He attached great importance to the character of women. He demanded political rights for women. Thus, Dr Ambedkar focused all-round development of women.

## **Constitutional Provisions for Women's Empowerment**

This chapter is about the legal provisions made for the women. Dr Ambedkar was appointed Chairperson of the Drafting Committee for the Constitution. Hence, he is rightly called the architect of Indian Constitution. There have been made special provisions in the Articles 13, 14, 15 and 19 assuring no discrimination based on religion, race and gender. The 15<sup>th</sup> Article is about equality allowing the women the right to visit public places. Article 15 D gives assurance of special protection to women and children. The 16<sup>th</sup> Article consists in allowing women job opportunities in Government sector. Article 19<sup>th</sup> is about their right to freedom. The 21<sup>st</sup> Article helps women save from exploitation, whereas the 23<sup>rd</sup> Article bans the trade of bonded women. The women are given the religious and cultural rights according to article 25<sup>th</sup>. These Constitutional provisions bear witness to the earnest efforts taken by Dr Babasaheb Ambedkar for women's empowerment.

## **The Hindu Code Bill & Empowerment of Women: Role played by Dr Babasaheb Ambedkar**

This chapter is an exploration of the Hindu Code Bill and women's emancipation along with Ambedkar's stance towards this issue. The major concerns of Dr Babasaheb Ambedkar in framing the Hindu Code Bill were the abolition of the traditional anti-women humiliating customs and practices and installing women's rights and privileges. The main aim was to bring about the basic changes under the laws in the frame work of Hindu society on more liberal patterns suited to modern conditions and times through the Hindu Code Bill.

The important provisions made in this Bill contained in women's right to property, alimony, divorce, adoption, registered marriage, inter-caste marriage, ban on the second marriage of men and a host of other arrangements. The most important provision in the Hindu Code Bill was women's right to property.

The Bill was received with tremendous opposition in and outside the Parliament. There were sharp differences of opinions between Dr Babasaheb Ambedkar and the other Members of Parliament. Most of them especially coming from the conservative sections of the society termed it as an attack on the Hindu religion. Dr Ambedkar was considered as an anti-Hindu & there were those who thought that the Bill was impracticable and premature. It is important to observe that apart from the conservative sections great men like Dr Rajendra Prasad, the then President of India opposed it.

All the four Shankaracharya of the Hindu religion opposed the Hindu Code Bill. It was unfortunate and surprising that *even educated women opposed the Bill*. Dr Ambedkar had put in studious efforts in drawing the Bill. The passage of the bill by the Parliament

would have strengthened the Hindu society in general and Hindu women in particular. However, there came into being an unprecedented hostility towards the Bill and Dr Ambedkar had to resign from the Ministry of Law in protest against the growing opposition. Nevertheless, the Bill was later brought into force by Pandit Nehru in phases. Though the Bill was sanctioned, Dr Ambedkar's regret that it should have been passed in the first attempt is justified. The gradual acceptance of the Hindu Code Bill by the Parliament after the Congress party winning power bore fruit to the unprecedented efforts and commitment shown by Dr Babasaheb Ambedkar. The credit of the modern Indian women enjoying different rights and privileges certainly goes to the foresight of Dr Babasaheb Ambedkar.

### **Conclusion:**

The gender bias deprived the women of their basic rights. Dr Ambedkar has rightly pointed out that the State intervention was needed for protecting the rights and the dignity of women, the marginalized sections of the society and the depressed classes. The Constitutional provisions empowered the Indian women. Reservations for women in the legislatures are meant for power sharing; since power and dignity go hand in hand.

In the era of globalization the State has withdrawn its role from the social sector. Domestic violence and incidents of women's molestation have been quite frequent today, in spite of the Constitutional provisions. The Constitution of India promises liberty, equality, justice and dignity to all individuals. But, it would not be meaningful unless the mind-set of the Indian society is changed. It requires consciousness and awakening. On the contrary, withdrawing the role of the State from the social sector would adversely affect the development of the women and the depressed sections of the Indian society.

Dr Ambedkar has rightly pointed out that Indian society is tyrannical. Therefore, one can safely conclude that introduction of the Hindu Code Bill and State Intervention suggested by Dr Babasaheb Ambedkar were and they are the right measures for the empowerment of Indian women.

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