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## Dr. Ambedkar on Women's Progress

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Ambedkar was one of the very few Indians, who struggled to restructure Indian society with the most egalitarian and humanitarian principles. He advocated social and economic democracy and insisted that without them there would be no peace, happiness and prosperity in India. An ardent supporter of the cherished values of Liberty, Equality and Fraternity, Ambedkar's contribution for the betterment and progress of women is unique. He not only wanted to ensure social equality between men and man, but also equal status and dignity between man and women.

Ambedkar criticized the traditional and conservative values and made Manu, the Hindu lawgiver, responsible for the decline of the status and dignity of women in India. According to him, egalitarian principles prevailed during the Buddhist period and it was a revolutionary act on part of the Buddha to have allowed women to take sanyasi of Parivrajika (nun hood) as a member of the sangha. "Under the Brahminic theory, women and shudras were not eligible for knowledge and thus sanyas. In allowing women to become bhikunis (nuns), the Buddha not only opened for them the way to liberty, he also allowed them to acquire dignity independent of sex <sup>[1]</sup>. Thus, the effort of Lord Buddha was the beginning of the revolution and liberation of women in India.

There can be no doubt that there has been an utter downfall in the position of women in India from what it once was. There is no doubt that they did occupy a very high position in the social, political and intellectual life of our country.

That at one time, a woman was entitled to upanayan is clear from the Atharva Veda, where a girl is spoken of as being eligible for marriage having finished her Brahmacharya. From the Shrauta Sutras it is clear that women could repeat the mantras of the Vedas and that women were taught to read the Vedas. Panini's Astadhyayi bears testimony to the fact that women attended gurukul and studied the various shakhas (sections) of the Veda and became experts in Mimamsa. Patanjali's Mahabhashya show that women were teachers and taught Vedas to girl students. The stories of women entering into public discussions on the, most abstruse subjects of religion, philosophy and metaphysics are on many few examples.

The stories of public debates between Janak and Sulabha, between Yajnavalkya and Gargi, between Yajnavalkya and Maitreyi and between Shankaracharya and Vidyadhari show that "Indian women in the Pre-Manu's time could rise to the high pinnacles of learning and education." <sup>[2]</sup> This high position enjoyed by women at one time, declined due to the restricted social codes of Manu. In Manusmriti, the women have been restricted by a number of conservative laws. Manu was not worried by considerations of justice or injustice in framing his law. He wanted to deprive women of the freedom they had under the Buddhist regime. According to Ambedkar, there is nothing new or startling in the laws of Manu about women. They are the views of Brahminism that existed only as a matter of social theory into laws of the State. What was the reason which led Manu to impose disabilities upon woman? Because Manu was the greatest opponent of the Buddhist religion. "At that time, sudras and women were the two chief sections of the Aryan society which were flocking to join the protestant religion of the Buddha. This would lead to undermining the foundations of the Brahminic religion. So Manu wanted to stem the tide of women flowing in the direction of Buddhism." <sup>[3]</sup>

Centuries rolled down in Indian civilization and the unheeded plight of women touched the heart of many social revolutionaries. Ambedkar was one of them. He championed the cause of women including the issues of Scheduled Castes and Scheduled Tribes throughout his career. He discussed a number of problems of Indian women and sought solutions in the Bombay Legislative Council, in the Viceroy's Executive Council as the Labor Member, in the

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Constituent Assembly as the Chairmen of the Drafting Committee and also in Parliament as the first Law Minister of independent India. Ambedkar was sworn in as a nominated Member of the Bombay Legislative Council on February 18, 1927<sup>[4]</sup>. He regularly participated in the legislative debates and also delivered number of speeches on the budget, education, panchayats, local boards khoti system, industries and participation in World War. His arguments on the Maternity Benefit Bill and on birth control were quite relevant to recognise the dignity of women. Supporting the Maternity Benefit Bill, he said:

It is in the interest of the nation that the mother ought to get a certain amount of rest during the pre-natal period and also subsequently and the principle of the Bill is based entirely on that principle. That being so Sir, I am bound to admit that the burden of this ought to be largely borne by the government, I am prepared to admit this fact because the conservation of the people's Welfare, is primarily the concern of the government. And in every country, therefore, where maternity benefit has been introduced, you will find that the government has been subjected to a certain amount of charge with regard to maternity benefit.

According to him, the employer should not be free from the liability. It is absolutely reasonable that to certain extent at least the employer will be liable for the kind of benefit when he gets a special benefit by employing women instead of men<sup>[5]</sup>. Also Ambedkar thought that this Bill should not be confined to the Bombay Presidency only and that it ought to be extended to the whole of India. Ambedkar was worried for the overgrowth of the population in India and he wanted certain measures should be introduced for the birth control. Viewing the contemporary situation he remarked:

The present keen struggle of life renders timely marriage impossible for many and thus exposes them to various diseases and habits. Many women become invalid for life and some even lose their lives by the birth of children in their diseased condition or in too rapid succession. Birth control is the only sovereign specific remedy that can do away with all these calamities. Wherever, a woman is disinclined to bear a child for any reason whatsoever, she must be in a position to prevent conception and bringing forth progeny, which should be entirely dependent on the choice of women. Society would in no way profit by the addition of unwanted progeny<sup>[6]</sup>. The impassioned appeal to cast off evil practices and customs among certain sections of the Depressed Classes was made by Ambedkar at a meeting at the Damodar Thackersey. Hall, Bombay in 1936. The meeting was largely attended by men and women belonging to the Devadasi, Patraje, Bhute, Aradhi and Jagiti communities, and was held to accord support to the mass conversion move inaugurated at Yeola. Ambedkar made a fervent appeal, especially to the women whether you change your religion along with us or not, it does not matter much to me. But I insist that if you want to be with the rest of us, you must give up your disgraceful life. You must marry and settle down normal domestic life as women of other classes do not continue to live under conditions, which inevitably drag you into prostitution.”<sup>[7]</sup>

Thus Ambedkar concern for the 'fallen' women as a whole, and his advice to rescue them from the despise and the disgraceful life they were leading were quite meaningful. At the All-India Depressed Classes Women's Conference held at Nagpur on July 20, 1942. Ambedkar emphasized that there could not be progress of a nation without the progress of women. He spoke, I am a great believer in women's organizations. I know what they can do to improve the

condition of the society if they are convinced. In the eradication of social evils they have rendered great services<sup>[8]</sup>. He underlined that women should learn to be clean and keep themselves away from all vices. They should educate their children and instil high ambition in them: -The children's' mind should be inculcated with the ideas that they are destined to be great<sup>[9]</sup>. The sense of inferiority complex should be eliminated from their minds and hearts. Ambedkar advised that everybody should get married after they become financially able. According to him, marriage was a liability. Keeping in mind the problem of population also, he advised that to have too many children was a crime. The parents must be responsible to give each child a better start than they themselves had. The women should be on friendly terms with their husbands. And, he did not agree that there should be a master-slave relation between the husband and the wife.

On the eve of independence, there was a rise in social consciousness among the people, who advocated that Hindu laws ought to be codified into one uniform few to ensure greater national integration and also to protect women's rights. A Hindu law Committee was set up under the chairmanship of B. N. Rau in 1941 to probe the question. The Committee heard the views of people from all over India and introduced the Draft Hindu Code in the Legislative Assembly in April, 1947. Many members disagreed with it and therefore, a revised version was put before the Constituent Assembly on August 12, 1948. Later, it was also revised and introduced by Ambedkar in the Constituent Assembly in October, 1948.

Many members of the Assembly thought that the right to freedom of religion ought to be a restricted right. Prof. K.T. Shah and Tajmul Hussain were among the articulate advocates for a truly secular state in which religion was to be considered a purely personal affair. Hussain even suggested the following be incorporated in the Constitution, "No person shall have any visible sign or mark or name, and no person shall wear any dress whereby his religion may be recognized<sup>[10]</sup>. Women members like Rajkumari Amrit Kaur felt that if the freedom of religion was enshrined as a separate and personal right, it might not only be a bar to future social legislation but even invalidate past legislation such as the Widow Remarriage Act, the Sarda Act and even the law abolishing Sati. Everyone is aware that many evil practices, which should be abolished, are carried on in the name of religion-Purdah, polygamy, caste disabilities, animal sacrifices and dedication of girls to temples, to mention a few<sup>[11]</sup>. She believed that freedom of religion was amply ensured in the right to freedom of speech and expression.

Ambedkar favored the uniform code of laws and in this context he said in the Constituent Assembly, We have a uniform criminal code, law of the transfer of the property, Negotiable Instruments Act. This would prove that this country has practically a civil code, uniform in its content and applicable to the whole of the country. The only province the civil law has not been able to invade so far is marriage and succession. He challenged the statement that Muslim Personal law was immutable and uniform throughout the whole of India. He showed that the Shariat law was not applicable to the North-West Frontier Province up to 1935. He added it would not be open any Muslim to say that the framers of the Civil Code had done great violence to the sentiments of the Muslim Community. The fear is nullified<sup>[12]</sup>. But all these suggestions went unheeded and the Freedom of Religion was made a Fundamental Right and guaranteed as a special freedom. And the corollary to that was that each community

would continue to be governed by its own personal laws. Thus Hindus, Muslims, Christians Jews and Parsees had the freedom to live by their own traditions which could not evolve since they had been fossilized into codes. Personal laws cover all matters relating to the family marriage, divorce, custody and guardianship, succession and inheritance, maintenance and adoption.

After the adoption of the Constitution, Ambedkar was entrusted with a new responsibility-the Hindu Code Bill. He revised the Hindu Code prepared by the Rau's Committee and submitted to the Constituent Assembly (Legislative) in October, 1948. The work of revising and codifying the Hindu Law was going on for ten years. The Bill had been in and out of the Comports of the Code Bill relation to Joint Family and Women's Property became a nightmare to most of the members of the Select Committee<sup>[13]</sup>.

As soon as Ambedkar modified the Code and became its spokesman, the Hindu intelligentsia all over India was divided raven into two camps, some raising loud denunciations and some singing loud praises. Traditions and moderation were at loggerheads, sanctimonious concepts were at grips with social progress; and learning was pitted against the revolutionary intellect. The authority of shastra was invoked on both sides. One side was for Manu, the ancient law-giver and other was for the modern Manu, Ambedkar.

The social reactionaries raised a hue and cry, in the name of religion inside and outside the Parliament. The Congress Party, too, was divided into sections over this issue. Nehru had vehemently declared, on his arrival from America, that his government would resign if the Hindu Code Bill was not passed by the Parliament. Another leader of the Congress Party, Sardar Patel had declared his unmistakable opposition to the Bill and said that it would not be taken into consideration at all. Uptil then, Nehru seemed to throw his weight in favor of the Bill; and Sardar Patel and Dr. Rajender Prasad were against it. It was in such an atmosphere that Ambedkar introduced the Hindu Code Bill on February 5, 1951.<sup>[14]</sup>

The Hindu Code Bill introduced only four new things in the then existing law. They were abolition of the doctrine of the rights by birth, right over property to woman, share to daughters from the parents' property and provisions for divorce. Also it insisted upon the consent of the wife to the adoption of a son by the husband. A daughter was permitted to be adopted. The provisions dealing with the Joint Family property included the abolition of the rule of pious obligation and the liability to pay primary debts which belong to the family<sup>[15]</sup>. These provisions were new as far as the present Hindu Law was concerned. But there was nothing either anti-social or anti-religious in them.

Explaining the Bill, Ambedkar spoke that it would be wrong to describe the Hindu Code Bill as either radical or revolutionary. He said that progress, did not oppose orthodox practices. He further stated that the new republican Constitution of India had given a positive direction that the government should endeavour to prepare a Civil Code for the benefit of the country as a whole. The purpose of the Hindu Code Bill was to codify and modify certain provisions of the Hindu Law. It was beneficial from the point of the country's oneness that the same set of laws should govern the Hindu social and religious life. The Hindu Code was a right step towards a Civil Code.

As regards the authority under which the code was drafted, he said that the modifications proposed were based on the Hindu shastras and smritis. The principles of property rights were

governed by the dayabhaga system, the child belonging to the caste of the father under pitrisavarnya; divorce was supported by Kautilya and Parashara Smriti and women's' right to property was supported by Britaspati Smriti he concluded<sup>[16]</sup>. Ambedkar was also of the opinion that the smritis both of Yajnavalkya and Manu had recognized the share of the daughter in the property of the father as only one-fourth<sup>[17]</sup>.

However, on September 17, 1951, a large demonstration of agitated women took place front of the Parliament House, when the long awaited Hindu Code Bill was supposed to be discussed and the Police picketed all over to maintain law and order<sup>[18]</sup>.

The discussion turned fierce in Parliament Dr. Shyama Prasad Mukherjee, Sardar Bhupendra Singh Mann, Pandit Madan Mohan Malaviya and other members strongly opposed the Bill, while N.V. Gadgil and Pundit Kunzru supported the Bill with lofty eulogium. The women members described the Bill as a testament of their faith in the Constitution. While discussions were going on in Parliament, Nehru lost his grit and suggested a compromise that the Marriage and Divorce part of the Bill should be taken up as a separate Bill and the other classes relating to property would be taken up later if time permitted. Ambedkar agreed and announced in Parliament on September 19, that since the exigencies of time would not permit the House to legislate on any more than Part II of the Hindu Code Bill during that session, the second part would stand a self-contained Marriage and Divorce Bill<sup>[19]</sup>.

This truncated Bill was also hotly discussed by the opponents. There was no pressure from the whip. There was no time limit on speeches. It seems that the process was deliberately being delayed by which was the Bill would not be passed. Suddenly most of the members of the House got enraged by Ambedkar, because of his criticism of the story of Rama and Sita in his speech. Thus alienated him. There was much excitement and Nehru asked Ambedkar to drop the Bill. Describing Nehru's state of mind at this juncture one journalist quoted Johnson's famous remark on Goldsmith, He wrote like an angel and spoke like poor Paul<sup>[20]</sup>.

On September 22, 1951 the debate on clause IV, came to an end. On September 24, the debate was resumed. On September 25, clause IV of the Bill was adopted by the House without enthusiasm of protest and the galleries ebbed out as other Bills came up for consideration. Even the Marriage and Divorce part of the Bill could not be completed.

The Bill was let down in a tragic manner and in words of Ambedkar, it was killed and buried, unwept and unsung after for clauses were passed. Ambedkar's disappointment was sore. He resigned his seat from the Cabinet on September 27, 1951<sup>[21]</sup>.

In this resignation speech, Ambedkar clarified, The Hindu Code was the greatest social reform measure ever undertaken by the legislature in the country. No law passed by the Indian legislature in the past or likely to be passed in the future can be compared to it in point of its significance. To leave inequality between class and class, between sex and sex, which is the soul of Hindu society untouched and to go on passing legislation relating to economic problems is to make a force of our Constitution and to build a palace on a dung heap. Ambedkar was not at all convinced with the plea of the Prime Minister to abandon the Bill on the ground of the lack of time or that the opposition was strong. According to him, when the Bill was taken up in the Party Meeting, out of 20 only 20 were found against it. When the Bill was taken in the Party for discussion 44 clauses were passed in about three and half-hour' time. This shows how much opposition there was to the

Bill within the Party. In the House itself there had been divisions on three clauses of the Bill, namely, 2, 3 and. Everytime there had been an overwhelming majority in favor of even clause 4, which was the soul of the Hindu Code [22].

According to Professor Sarvapalli Gopal, the biographer of Pandit Nehru, Realizing soon enough that he (Nehru) could not run away or provide some magic touch such as many seemed to except of him, Nehru pinned his faith on moving forward on all fronts, social and economic as well as political. Ambedkar resigned because of what he believed to be Nehru's half-heartedness in going ahead with the "Hindu Code Bill; but the failure to enact the measure was due to no lack of will on the Prime Minister's part. Even Gopalswami Ayyangar, on whose advice Nehru depended heavily at this time, had been in favor of the postponement until after the election [23].

It was inevitable on the part of Nehru to thing of the Continuance of the Congress ascendancy in power and because of that he did not want to introduce such a drastic measure, which would have radicalized the Hindu society. But, Ambedkar was keenly in the social reform, equal rights for men and women and never thought of it from the political viewpoint. However, Nehru could not wholly be blamed for this debacle, for which, many social, religious and political factors were responsible. He acted as a true politician under the prevailing situation of the time.

A few months before the incident Justice Gajendragadkar of the Bombay High Court, a famous jurist and Sanskrit scholar, in course of his speech on 'Hindu Code Bill' before the students of the Karnataka University, had said, If Ambedkar gives us Hindus our Code, his achievement would go down in history as a very eloquent piece of poetic justice indeed. Destiny, however, seemed unwilling to concede to the Law Minister, the full laurels of a Modern Manu.

Ambedkar who publicly burnt the Manusmriti in 1927 was himself the chief instrument in giving to the Hindu Community another smiriti or the law of living in conformity with requirements and needs of modern times. But it was unfortunate that the time did not favor the ardent advocacy of Ambedkar to change the order of the life from social ostracism to a part of progress. He accorded equal status to woman and man in every sphere and he also warned the women against the misuse of, their rights.

Therefore, it would be appropriate to regard Ambedkar as one of the saviours of Indian women. His contribution is unique and appreciated by women in India. It should be the foremost duty of Indian women to integrate themselves, to free their fellow-sisters, who are undergraded in professions like the flesh-trade; devadasis, beggary, etc. Educated women should join social work to educate, organize and unite all deprived women to make them conscious of their rights and privileges and they should not be busy in the family conflicts to get mere self-rights.

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