

WOMEN IN INDIA AND DR. AMBEDKAR'S VIEWS

Dr. J. Somashekar
Professor of Political Science
DoS in Political Science
Vijayanagara ShriKrishnadevaraya University, Ballary.

Abstract:- Ancient Indian History Ambedkar concluded, made poor representation of Indian Womanhood. The Aryan women in ancient times were subjected to the practice of polygamy. Family relations had not been regularized with the result women always found themselves in very vulnerable position without proper status and strong practices. Women had no freedom even in their personal affairs because it was a male dominated society. Dora Russell has concluded that, "the astonishing fact of human history is that religion, philosophy, political, social of men. Our world is the product of male consciousness" and economic thought have been reserved as the prerogative Women in ancient India fully justified the above statement.

Key words:- constitute, knowledge, 'Bahujan Hitaya, Bahujan Sukhaya', representation etc.

Ancient India

Women constitute not only nearly half of humanity but perhaps the most important part in any society. It is generally agreed that women in any society determine its character and future. Indeed, position of women directly affects the political, social, economic and cultural life of the society. But unfortunately, women have been subjected to maltreatment and injustice in history. In the present world system, in which inequalities exist among different social groups and different sexes, the path of 'Bahujan Hitaya, Bahujan Sukhaya' (happiness of all and welfare of all) is necessary to ameliorate the condition of women.

During the ancient days woman generally did not enjoy basic rights. Her position was equal to the status of a slave. Women were considered objects of pleasure. In societies where the family was patriarchal in nature woman had a weak subordinate position. Man's Control over her was considered natural and desirable. For example, during her childhood she was under her parents control, in youth under her husband and in old-age under her children. Ambedkar had examined deeply the position of women in ancient India under Manu and Kautilya. He also noted with great dissatisfaction the treatment given to women as mentioned in Ramayana and Mahabharata, the two great epics of India.

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world is the product of male consciousness" and economic thought have been reserved as the prerogative Women in ancient India fully justified the above statement.

Manu the ancient Indian law giver gives women a second class position in society. He says that

1. "Day and night women must be kept in dependence by the males (of their families) and, if they attach them-selves to sexual enjoyments, they must be kept under one's control (IX 2)
2. A woman is never fit for independence. She is with her father who protects her in childhood, her husband protects her in youth and her sons protect her in old age (IX 3).
3. Even weak husbands must strive to guard their wives as the highest religious duty no matter to which caste they belonged (IX 6)
4. A Wife, a son and a slave are declared to have no property. The wealth which they earn belongs to the man or men under whose protection they live (IX 416)
5. Women, once married could not be separated from their husbands. (IX45)
6. Study of Vedas was prohibited for women (IX 18)
7. A Woman shall not perform the daily sacrifices prescribed by the Vedas and any one breaking this rule was destined to go to hell (XI 36,37)
8. A Brahman must never eat food given at a sacrifice performed by a woman (IV 205)
9. A husband must be constantly worshipped as a god by a faithful wife even if he as no good qualities (V 154)"

Thus, Manu held women in low esteem. Manu's women were not to be free under any circumstances. For Manu, a man can abandon his wife and also can sell her. Ambedkar found Manu's law where a man could divorce his wife and not woman her husband very unjust and unequal. Manu had denied any freedom to woman with the result that the concepts of justice and injustice would not apply in her case. Ambedkar thought that Manu did this in order to stop the misuse of women's liberty to marry the Shudra thereby upholding the system of the gradation of the Varna. Manu had foreseen that the use of property creates awakening among people. That is why he strictly prohibits the right to property for women. Manu made woman live always under the fear of man by imposing corporal punishment for any offence. Under his Manudharmashastra, women had no knowledge of religion because, they were not allowed to read the sacred religious texts. This meant that women were neither to have any intellectual pursuits nor free will, nor freedom of thought and expression.

Manu had completely deprived women of freedom in all spheres of life. His injunction on women did not allow her to live a human life. But before the days of Manu, women were allowed to read the Vedas. From the Shruta Shrutras it was clear that women could repeat the Mantras of the Vedas and that women were taught to read the Vedas. The Atharva Veda entitles women to Upanayan. Panini's Ashtaadhyai bears testimony to the fact that women attended Gurukul for their studies in Vedas. Women were well read in religion, philosophy, and metaphysics. The public disputation between Janaka and Subha, between Yajnavalkya and Gargi and between Yajnavalkya and Maitrei demonstrates the fact that women were equal to men in their knowledge of religion and

philosophy. Women were highly respected. K.P.Jaiswal mentions that the king in ancient India showed great respect to women. During his coronation ceremony, king used to make offerings to his queens irrespective of their castes. After the coronation ceremony as a mark of respect he used to salute the ladies and others.

In the days of Kautilya women attained their age of majority at 12 and men at 16. Kautilya preferred monogamy but allowed men to marry more than one wife only under certain conditions such as when one had no issues or no male issue. He stipulated that only when there was no issues or a male issue even after eight years of marriage that he could take another wife and if he had only female issues he had to wait for 12 years to marry another woman. Kautilya imposes some penalties if these rules are violated. Unlike Manu, in Kautilya's time women could claim divorce on the ground of mutual enmity and hatred. Husband was entitled to give compensation for the maintenance of a divorcee. Kautilya allowed women or widows to remarry. Unlike Manu, Kautilya guaranteed economic independence to a married woman. In short, in pre-Manu's days a woman was free and an equal partner of man. Then why did Manu degrade women?

Manu wanted to keep the Varna system intact. New religions like Jainism and Buddhism had sprung. He did not want Hindu religion to be affected by new religions. Keeping this in view, he made the laws whereby the freedom of woman was curtailed. Manu wanted the society to be male dominated and hence he deprived rights and privileges to women putting an end to the social and political awakening among them. In the course of time, other social evils like Sati-system, Dowry system along with Child marriage became the regular features of Indian society. However, there were instances of women taking part in political affairs but at the lower levels.

Liberating Era

With the growth of Science in 19th century the status of women began to see some light. Modern science helped man to think rationally regarding the biological function of women. The revolution of industrialism and the victory of science in the 19th century served to challenge the enemies of female emancipation. Even Western countries which were known for their social and political awareness did not think early to emancipate women. Ambedkar noted that Hindu women sometimes enjoyed more rights than what their counterpart's did in some western countries or what Muslim women had in the form of legal rights'. He was convinced that the Indian women were better placed and enjoyed good position in society before 19th century when compared with women of other nations. Infact, it was only during the 19th century, that the emancipation of women started in the west in right earnest.

The liberal outlook to solve the social maladies concerning women began with the coming of the British to India. British were for education to women on par with men folk. There was little encouragement for women's education in India. Slowly, there was appreciation of the need for education of women. The native Indians like Raja Ram Mohan Roy, Mahatma Jyotibha Phule, Ranade, Dr. Bhandarkar, Malaviya, Surendranath Banerji, Satyendranath Tagore and others worked hard in that direction with a view to cure the malady of social inferiority of women. Because of the efforts of reformers like Raja Ram Mohan Roy, such serious practices as Sati system came to be abolished under Lord Willaim Bentinck in December 1829 which was a direct challenge to the Orthodox Hindus

resulting in the beginning of the modern age to the Indian women. Pandit Ishwar Chandra Vidyasagar and others were responsible to get a legislation allowing widows to remarry in 1856. The abolition of Sati system and allowing widows to remarry were very liberal moves toward social reforms. The Spread of education created social awareness among women. Mrs. Ghoshal, Mrs. Ranade, Mrs. Pathak, Mrs. Kelkar, Dr. (miss) Thurkhad and others played a vital role by representing women in the social conferences discussing the problem, nature and practice of marriage, dowry and divorce in the Hindu society and there by educating Indian women.

Ambedkar like many others realized that the position of women determines to a large extent the progress of a nation. Women are the source of inspiration to men. It is often said that behind every successful man there is a woman. Sir Henry Maine rightly said that, "the position of women in any system of law formed a fair index of the country's 'culture and civilization' and there was a vital relation between civilizations and the proprietary capacities of women".

But most notorious practices both demeaning and inhuman are invariably associated with the low caste women in India. The low caste women are deliberately made to practice 'Devadasi system' and prostitution. Only the low caste women suffered in the Devadasi System almost in defense of the Hindu belief in the theory or Karma. A low caste girl was expected to practice Devadasi system in order to attain Moksha for her previous sins. Devadasi system meant that a female member of the family after attaining her adulthood would be given to the temple. Even now, one can see this system in practice in some places because of lack of social awakening. The Government however, has come forward to put an end to this practice. Rehabilitation centers have been made for the Devadasis. In addition the practice of the prostitution is also linked with the caste system because of their low economic and social condition. By this discussion, one can easily draw the conclusion that unhealthy practices among women are usually associated with low caste women only. The reason for this is the Hindu social belief and women's economic position. Infact, even today low caste women are completely ignored in the main stream of nation's Women's Movement.

Women's role in the Freedom Movement enabled them to be in the forefront of the nation's political, social, economic and cultural spheres. Indian women after Independence are placed in a respectable position. Their status in society is both legally and socially recognized. They are given fundamental rights to perform their role in all walks of life in the Indian society. The growth of education and industrialization has given women new status but it has also made women face new problems. Although changes in attitudes towards women have been taking place in Indian society, a lot needs to be done to ameliorate the condition and status of women in India. Indian working women both in government and non-government sectors always face serious problems. Ambedkar wanted good facilities to be provided by the state and the government where women work. He worked for the uplift of women from 1927 till his death. His resignation to the Cabinet was for the cause of the women. It speaks about his sincere commitment towards the emancipation of women.

Emancipation of Women

The bonfire of Manusmriti was quite intentional. We made a bonfire of it because we view it as a symbol of injustice under which we have been crushed across centuries

- B. R. Ambedkar.

Ambedkar's concern for women was because of his observation and understanding. At an early age, he spent his childhood in the company of his Meera aunty who was responsible in building an atmosphere of love and affection to shape his character and mould his mind. Later his wives had great impact on him which made him realize importance of women in society. He used all forums Whenever possible for the cause of women. He considered the need to uplift women from the social sufferings as a matter of urgency. He knew very well that the status of women decided the progress of the society.

He championed their cause in Bombay Legislative Council, Viceroy's Executive Council, in the Constituent Assembly and as first Law Minister of Independent India. Liberation of women was an important part of his liberal agenda and hence his demand for the universal adult franchise at the Round Table Conferences was only to be expected. As a member of the Joint Committee on Indian Constitutional Reforms, Ambedkar had shown great concern for women's social, political and economic reforms and in particular he had evinced great interest regarding women's franchise.

Ambedkar argued in favor of Maternity Benefit and Birth Control in the interest of women in the Bombay Legislative Council. Ambedkar argued that "the mother in the pre-natal period and also subsequently to bring up the child in the interest of the nation needs a certain amount of rest. He expected the Government to provide rest to all women because after all the primary duty of the Government was people's welfare. He wanted the industries which employed women should also bear the burden of the maternity benefit. He found the advantage of this Bill introduced in the Bombay Presidency to be extended to the whole of India.

During the Second World War, he regretfully lifted a ban on employment of women in underground works in coal mines, as a temporary measure to meet the war needs and was also responsible to extend maternity benefit to women working in mines. However, he realized that Birth Control was the Sine qua-non for every progress.

Ambedkar advised women to discourage their husbands from drinking alcohol. He wanted women to be educated. As already discussed he gave preference to home science education for women. If women were educated he rightly believed that they would make their children also educated and keep the family and the society happy. Ambedkar was against the institution of prostitution. At the All India Depressed Classes Women's Conference held at Nagpur in July 1940, he emphasized that there could not be any progress without women. He enunciated that he was a "great believer in women's organization which work to improve the condition of the society by eradicating the social evils".

Ambedkar's speeches, writings and movements made women realize their importance. Encouraged by the response of women, Ambedkar and his supporters organized Women's Conferences at Nagpur, Nasik, Bombay and Kanpur. This was the beginning of a new ideological awareness. Women like Radhabai Kamble, Tulsabai, Bandisode,

Jaibai Choudhary, Virendrabai, Tuthankar, Shantabai Dani, Sakhubai Mohite and Minabai Shivaraj did stellar work of spreading Ambedkar's thought.

Ambedkar was bold enough to treat both men and women as equal in the Constitution of India. Today, one can see the progress of women in political, social, economic and educational fields. Government has undertaken various welfare measure to improve the conditions of women, such as Family and Child Welfare Programmes, Nutrition Programme, Rehabilitation Centres for destitute women, Integrated Child Development Scheme, Integrated Rural Development Programme, Development of Rural Women and Children, Training of Rural Youth for self Employment, Jawaharalal Rojgar Yojana, Sampoorna Grameen Rozgar Yojana, National Maternity Benefit Scheme, National Family Benefit Scheme, Bhagyashree Child Welfare Policy, Rajrajeshwari Mahila Kalyan Bhima Yojana, Shiksha Sahyog Yojana, Janashree Bhima Yojana, Khetikar Mazdoor Bhima Yojana etc. Separate departments for women and child Development have been constituted to improve the condition of Women and Children. A part of the credit for these developments should definitely go to Ambedkar. It is the Government's policy to make sure that women take part in all walks of life and towards that end, it has even allowed reservations to them.

Dr. Ambedkar and his Hindu Code Bill

Ambedkar's emancipatory discourse can be seen in his Hindu Code Bill. The purpose of the Hindu Code Bill was to codify and modify certain provisions of the Hindu law enabling the same set of laws to govern all Hindus in their social life. Ambedkar took initiative and responsibility as the first Law Minister of the nation to draft the Hindu Social Laws under the Hindu Code Bill. In 1941, itself the British Government appointed a Hindu Law Committee known as B.N. Rau Committee to codify the Hindu Law in gradual stages. Its draft Bill was introduced in the Central Legislature in 1943 and 1947, but due to fierce opposition from the Orthodox Hindus it was not passed in the Legislature. However, Ambedkar took initiative to reconsider the Bill in its revised form. While moving the Bill for consideration in the Constituent Assembly on 29th February 1949, Ambedkar said that "the Bill was not a revolutionary and radical measure". The Bill did not oppose the Orthodox practices of progress. It allowed the members of the Hindu Community either to follow the Orthodox System or the New Reformist System. For example, the Bill following the Orthodox School would not consider a marriage valid unless the bride and bridegroom belonged to the same varna, the same caste. However, it also approved if a Hindu being a Reformist choose to marry a girl outside his varna, caste or sub-caste. Thus by allowing the two parallel systems, Ambedkar tried to reform the Hindu Society and demolish the Caste System. Again in the Constituent Assembly he urged to have common code on seven different matters that is, "the right to property of deceased Hindu who has died intestate without making a will to both female and male, the order of succession among the different heirs to the property of a deceased dying intestate, the law of maintenance, marriage, divorce, adoption and minority and guardianship".

Ambedkar was critical of the absence of common law, on marriage and succession. In order to give Hindus such a common law that the Hindu Code Bill was introduced in Parliament in February 1951. His Code Bill introduced four new things abolition of the doctrine of the rights by birth, absolute right over property to women, share to daughters and provisions for divorce. With a view to protect the interest of women, Ambedkar pointed out that there was no reason to preserve the right of the adopted son jeopardizing the right of the mother for her maintenance. A daughter is also permitted to be adopted. During adoption, the consent of the wife to the husband was felt necessary. According to Ambedkar no man who examines in a fair, honest and liberal spirit can come to the conclusion that women were enjoying either liberty or equality in India. To him, the institution of sacramental marriage was polygamy for the man and perpetual slavery for women. The Hindu Code as adopted allows women the right to divorce and right to property. These rights help women to place themselves as equal to men. Ambedkar was very clear in saying that his concern for the liberation of women was drawn from the principles of liberty, equality and fraternity as enshrined in the Constitution of India. The Hindu Code Bill was not altogether a revolutionary Bill because many of its provisions were based on the Hindu Shastras and Smritis. For example, divorce was supported by Kautilya and Parashara Smriti and right to property of women by Brihaspati Smriti. But, Ambedkar's Hindu Code Bill was the negation of Manu Dharma Shashtra which he had publicly burnt as a symbolic assertion of his faith in emancipatory discourse.

His Hindu Code Bill was not supported by the members of the Parliament. Sikhs strongly objected along with the Orthodox Hindus and even influential sections of the Congress Party opposed Ambedkar's Bill. As regards the objections by Sikhs, Ambedkar replied that, the application of the Hindu code to "the Sikhs, Buddhists and Jains was a historical development and it would be too late, sociologically to object to it. When the Buddha differed from the Vedic Brahmin he did so only in matters of creed, but left the Hindu legal framework intact. He did not propound a separate law for his followers. The same was the case with Mahavir and the ten Sikh Gurus. The Privy Council had also laid down that the Sikhs were governed by the Hindu Law as early as 1830". The Hindu Bill was not passed in the Parliament as desired by Ambedkar. Prime Minister Nehru, who supported the Bill in the beginning, had to yield to the pressure of the Orthodox elements which made Ambedkar to resign from the Cabinet. In the words of Ambedkar the Bill was, "Killed and buried unwept and unsung after four clauses were passed".

The Hindu Code Bill was later incorporated through the Hindu Marriage Act 1955, the Hindu Succession Act 1956, The Hindu Minority and Guardianship Act 1956 and the Hindu Adoption and Maintenance Act 1956 giving independent status to women along with the right of adoption, succession and property which Ambedkar the emancipator desired. Ambedkar inaugurated the era of women empowerment through Hindu code. He knew that the wealth was an important factor in the social advancement of women. His Bill opened the space for gender equity. If India's women movement is raising its voice inside and outside the national frontiers, it is because of the emancipatory discourse of Ambedkar.

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