

**GENDER POLITICS OF  
Dr B. R. AMBEDKAR**

**RAHUL**

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# TABLE OF CONTENT

Chapter 1 INTRODUCTION .....	1
Chapter 2 Status of women India during and after Vedic period.....	13
Chapter 3 Ambedkar’s Feminism: Debunking the Myths of Manu in a Quest for Gender Equality .....	22
Chapter 4 Brahmanical patriarchy: How Ambedkar explained the links between caste and violence against women.....	32
Chapter 5 Women Emancipation And Empowerment: Ideas, Vision And Policy Prescriptions.....	38
Empowerment and Emancipation: Conceptual Foundations.....	38
Women Emancipation and Empowerment: Ambedkar's Ideas and Vision.....	44
Chapter 6 Summary and Views.....	59
Women Empowerment and Emancipation: Constitutional Scheme. .....	64
Notes and Reference .....	67



# Chapter 1 INTRODUCTION

In ancient India, women enjoyed a very high position but gradually their position degenerated into merely objects of pleasure meant to serve certain purpose. They lost their individual identity and even their basic human right. Empowerment is a multi-faceted, multi-dimensional and multi-layered concept. Women's empowerment is a process in which women gain greater share of control over resources material, human and intellectual like knowledge, information, ideas and financial resources like money - and access to money and control over decision-making in the home, community, society and nation, and to gain 'power'. According to the Country Report of Government of India, "Empowerment means moving from a position of enforced powerlessness to one; of power". But, from time immemorial, the women in this land of ours were treated as a sort of thing. Her placing in the society was not at par with other human beings. She has no rights. She cannot move nor do anything at her will. In Hindu Shastras, she has been branded just like animals or some Objects of enjoyment. From the verses of Ramayana as written by Tulsī Das, Dhol, ganwar, shudra, pashu, naari - Ye sab tadan ke adhikari", In 'Manusmriti' the ancient Hindu Code-book, the status granted to women is quite visible and she was put to the lowest rung of humanity as she was treated at par with the animals and slave by the proprietors of Hindu Dharma. Such was the placement earmarked to our mothers, sisters and even great grand mothers that humanity was ashamed of. That is why Dr. Ambedkar, the father and architect of Indian Constitution, was of the firm opinion that until and unless, we defy the Hindu Dharma-Shastras, nothing much can be changed. In the name of sanskaras, the Hindu women are tied to bondages of superstitions, which they carry till their death. They are also responsible for inculcating certain wrong notions learnt through baseless traditions and preaching of the Shastras, in the budding minds of their offspring.

## **Dr. B.R Ambedkar Towards The Empowerment Of Indian Women**

The operations of caste both at the systemic level and at the functioning of patriarchy, the growing caste / class divide in feminist political discourse makes Ambedkar's view on women's oppression, social democracy, caste and Hindu social order and philosophy, significant to modern Indian feminist thinking. Although Ambedkar proved, himself to be a genius and was known as a great thinker, philosopher, revolutionary, jurist – par excellence, prolific writer, social activist and critic and strode like a colossus in the Indian sociopolitical scene unto his death, his thoughts never received adequate attention in the generality of Indian society just because he was born as an untouchable. However, the contemporary social realities warrant close examination of the wide range of his topics, the width of his vision, the depth of his analysis, and the rationality of his outlook and there essential humanity of his suggestions for practical action. Hence, for Indian women's movement Ambedkar provides a powerful source of inspiration to formulate a feminist political agenda which simultaneously addresses the issues of class, caste and gender in the contemporary sociopolitical set up, which still keeps conservative and reactionary values in many respects, particularly on gender relations. The writings and Speeches of Ambedkar show what values India should develop and how they would modernize its social and political institutions. Ambedkar saw women as the victims of the oppressive, caste- based and rigid hierarchical social system.

### **Hinduism**

It is true that great men do not demand rights they do their duties. But for Ambedkar, this is hardly true in respect of the general masses. The rights of the upper castes are automatically protected, but not of the poor classes. The poor masses must have specific rights, otherwise they would be exploited and opposed by the clever and shrewd persons. The Hindu ideal of duties under the Varna-Vyavastha has developed only as a means of exploitation and oppression. It is a

system which deadens, paralyzes and crippled the people from which useful activity, and also prevents them from creativity.

Ambedkar made some memorable speeches in the Round Table conference. He placed the view point of the depressed classes and pleaded for Dominion Status. His speeches created a good impression upon the British public. He served on a number of important sub-committees and prepared scheme of political safeguards for the protection of depressed classes in the future constitution of a self governing India. Ambedkar also advocated the immediate introduction of adult franchise.

Ambedkar was elected to the Constituent Assembly of India by the members of West Bengal Legislative Assembly though he was defeated in Bombay. He was elected on the on the Drafting Committee and later appointed its chairman.

My final words of advice to you are educate, agitate and organize, have faith in yourself. With justice on our side I do not see how we can lose our battle to me is a matter of joy. You must abolish your slavery yourselves. Do not depend for its abolition upon god or a superman.

He also suggests strategies for emancipation from oppression. He found their emancipation in Buddhist values, which promotes equality, self-respect and education. Ambedkar believes that Buddha treated women with respect and love and never tried to degrade them like Manu did. He taught women Buddha Dharma and religious philosophy. Ambedkar cites women like Vishakha, Amrapali of Visali, Gautami, Rani Mallika, Queen of Prasenajjth who approached Buddha, as evidences of Buddha's treatment of women as equals. (Paul, 1993 : 383-84) it was mainly the Hindu culture and social customs, which stood in the headway of women's empowerment.

Like Ambedkar, the National Policy for the Empowerment of Women 2001, also admits, "The underlying causes of gender inequality are related to social and economic structure ..... and practices,

Consequently, the access of women, particularly those belonging to weaker section including Scheduled Caste / Tribes Other Backward Classes and Minorities ..... To education, health, and productive resources, among others is inadequate. Therefore, they remain largely marginalized, poor and socially excluded.” Since Ambedkar himself was a victim of oppression and discrimination in all its severity, his views about women’s oppression and equal rights are more useful than anybody else’s theory based on mere observation for the feminist movement to strengthen its strategy for approaching the systemic challenges and contradictions in a more pragmatic way to bring women to the mainstream.

He was the 14 child of Ramji Sakpal and Bhimabai who belonged to Mahar and Murbadker untouchable communities respectively. The Mahars formed the backbone of the Maratha army and also were important part of the Mumbai Army of the East India Company since they were the first to come into contact with the Europeans in India. From Satara government school Ambedkar completed primary education and entered high school. Here started the painful story of oppression and humiliation which compelled him later to act to blow up the oppressive social order. At the school he was insulted due to his inferior caste status as an untouchable. Ambedkar was pushed to a side of the classroom and was not allowed to mingle with other students. He was never given the opportunity to participate in sports and other extracurricular activities with fellow students. Even the teachers were reluctant to correct Ambedkar’s and his brother notebook and avoided asking them questions because of the fear of being polluted. He was barred from studying certain subjects especially Sanskrit. Ambedkar was given Persian as second language when the Sanskrit teacher refused to teach him. In the midst of humanizations also, Ambedkar concentrated on his studies due to the encouragement from his father.

According to Ambedkar, the society must be based on reason, and not on atrocious traditions of caste system. He found education, intercaste



marriage and interdine as methods, which may eliminate caste and patriarchy, maintained through endogamy.

In 1918, Ambedkar demanded separate electorate and reserved seats for the Depressed Classes in proportion to their population. After fifty years of the working of the Indian Constitution, the Indian women's demand for political reservation and the lower status of other disadvantage sections proves that his theory is correct. Ambedkar started his movement in 1920. He started fierce propoganda against the Hindu social order and lunched a journal Mook Nayak in 1920 and Bahishkrit Bharat in 1927 for this purpose.

His exposure to the west has influenced his perception on feminist issues. it was a time when first wave feminism had been coming to an end with the achievement of franchise rights for women in Britain in 1918, and America in 1920 and Ambedkar's perception of the women question, emphasizing their right to education, equal treatment with men, right to property and involvement in the political process resembled the global feminist demands. It is well known that Ambedkar has the habit to working for more then eighteen hours a day without any difficulty. His reading habit helped him to understand the feminist development in different cultures and countries around the world.

After returning to India he devoted his life fully to work for the depressed classes including women. He was firmly committed to the ideals of equality, liberty and fraternity. In Ambedkar's movement lunched from 1920 onward, women actively participated and acquired the confidence to voice their issues on various platforms. Venbai Bhatkar and Renubai work for the socio- political equality of depressed people and promoting their economic interests.

Dr. B.R. Ambedkar The Champion Of Women's Rights

Dr. Ambedkar championed the cause of women as well as the miserable plight of Schedule Castes and Scheduled Tribes throughout his career. He discussed a number of problems of Indian women and

sought for their solutions in Bombay Legislative Council, in the Viceroy's Assembly as the chairman of the Drafting Committee and also in the Parliament as the first Law Minister of Independent India.

Dr. Ambedkar was sworn in as a nominated members of the Bombay Legislative Council on 18th Feb., 1927. He advised Indians to participate in the world war on behalf of the British Government. His arguments on the Maternity Benefit Bill and on Birth Critical were quite relevant to recognize the dignity of women. He vehemently supported the Maternity Bill.

His argument was –

“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 of the conservation of the people's welfare is primary concern of the Government. And in every country, you will find that the Government has been subjected to a certain amount of charge with regard to maternity benefit.”

Women started participating in satyagrahs and also launched women's associations for untouchable women for spreading education and awareness among them. In the Mahad Satyagraha for temple entry in 1927, even caste Hindues participated. Shandabai Shinde was one such participant. In the Satyagraha it was decided to burn the Manusmriti, which humiliated women, and shudras. In the demonstration after the bonfire of the Manusmriti more than fifty Women participated. Ambedkar addressed the meeting thereafter and advised women to change their style of wearing saress, wear lightweight ornaments, not to eat meat of dead animals. It was upper caste women like Tipnis who taught them proper way of wearing sarees.

At the All India Depressed Classes Women's Conference held at Nagpur on 20th July, 1940 Dr. Ambedkar emphasized that there could not be any progress without women. He spoke "I am a great believer in women's organization I know that what they can do to improve the condition of the society if they are convinced. They should educate their children and instill high ambition in them.

Ambedkar made some memorable speeches in the Round Table conference. He placed the view point of the depressed classes and pleaded for Dominion Status. His speeches created a good impression upon the British public. He served on a number of important sub-committees and prepared scheme of political safeguards for the protection of depressed classes in the future constitution of a self governing India. Ambedkar also advocated the immediate introduction of adult franchise.

When Ambedkar returned to India after attending the round table conference in 1932, hundreds of women were present for the committee meetings. Since Ambedkar was well convinced about the status of women, as the Chairman of the Drafting Committee he tried to include adequate inclusion of women's rights in the political vocabulary and constitution of India. Therefore, by considering women's equality both in formal and substantial senses he included special provisions for women's equality both in formal and substantial senses he included special provisions for women while all other general provisions are applicable to them, as to men constitutional provisions. Hence, there are Articles like 15(3), 51(A), and so on. His key work in the preparation of Indian Constitution made it to be known as a New Charter of Human Rights. He looked upon law as the instrument of creating a sane social order in which the development of individual should be in harmony with the growth of society.

Ambedkar Idea Of Equality

He incorporated the values of liberty, equality and fraternity in the Indian Constitution. Based on the belief that any scheme of franchise and constituency that fails to bring about representation of opinions as well representation of persons falls short of creating a popular government, he submitted the Constitution with a warning. He said in his speech delivered in the Constituent Assembly on 25th November 1949, “Political democracy cannot last unless there lies at the base of it social democracy.” By social he means a way of life, which recognizes liberty, equality and fraternity as principal of life. He further said: “On 26th January 1950, we are going to enter into a life of contradictions. In politics we will have equality and social and economic life we will have inequality. In politics we will be recognizing the principal of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principal of one man one value. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.”

Ambedkar believed primarily in the efficacy of law and legislation, and he struggled to evolve a constitutional mechanism to fashion India of his dreams, where equality, liberty and fraternity would have an unhindered play. In Ambedkar’s vision of India, all citizens would be equal before law; they have equal civic rights, equal access to all institutions, conveniences and amenities maintained by or for the public; they possess equal opportunities to settle or reside in any part of India to hold any public office, or exercise any trade or calling, here all key and basic industries would be owned by the state. He pleaded for special privileges and safeguards for the Dalits as scheduled Castes. In short, he demanded equality, which would not only lead, to the redressal of the part wrongs but also provide sufficient leverage, may be by way of compensation, as siabid to ensure their leveling up. – B.R. Ambedkar, his life, work and relevance.

## The Hindu Code Bill, 1948

In 1948 when the Hindu Code Bill was introduced in parliament and debated on the floor of the house, the opposition was strong against the Bill. Ambedkar tried his level best to defend the Bill by pointing out the Constitutional principals of equality, liberty and fraternity and that in the Indian society characterized by the caste system and the necessary for a social change in which women have equality in a legal frame system and the oppression of women since women are deprived of equality, a legal frame work is necessary for a social change in which women have equal right with men. However, the Bill could not withstand the opposition from the Hindu orthodoxy. In reality, the Bill was a threat to patriarchy on which traditional family structure, was bounded and that was the major reasons behind the opposition. Therefore, on the eve of the first elections in 1951 Prime Minister Jawaharlal Nehru dropped the Bill by saying that there was too much opposition. On this issue the then Law Minister Dr. Ambedkar resigned. His explanations for resignation show how the parliament of independent India deprived its women citizens of even basic rights. His resignation letter dated 27th September 1951.

Although most of the provisions proposed by Ambedkar were later passed during 1955-56 in four bills on Hindu 'marriage' succession, minority and guardianship and maintenances and later in 1976 some changes were made in Hindu law it still remains true that the basic rights of women have yet to be restored to them even after fifty years of the working of the Indian Constitution based on the principle of liberty, equality and justice to all Indian citizens. However, the Hindu code Bill helped the resurgence of feminist movement in India. This crusade of Ambedkar to emancipate women from injustice inspires the women leader in parliament to keep the issue alive until its enactment. This was the starting point for women to recognize their

position and pursue rights movement by acquiring strength from second wave feminism started in the early 1960s. Women are still fighting issues such as rape, dowry death, communalism, fundamentalism, sexual harassment, violence - domestic and social, poverty and so on.

The parinirvan of Dr. Baba Saheb Ambedkar who was recognized internationally as a crusader against caste system, a vigilant fighter for the human rights of all the oppressed and enslaved and the emancipator of humanity from social and economic injustice, occurred on 6th December 1956. In the condolence message, on Ambedkar death in Parliament, Prime Minister Jawaharlal Nehru said: "Dr. Baba Saheb Ambedkar was a symbol of revolt against all oppressive features of the Hindu society." His dream of society based on gender equality is yet to be realized and therefore his thoughts are important for the social reconstruction that favours women's empowerment. The Nation honoured Baba Saheb Ambedkar by offering Bharat Ratna posthumously to him which was received by his widow Savita Ambedkar in 1990. Dr. Ambedkar foundation was set up under the Ministry of Social Justice and Empowerment on 24th March 1992 for the purpose of promoting and propagating his ideology of social justice so as to reach the common masses. The foundation implemented Schemes such as Dr. Ambedkar National Memorial, Dr. Ambedkar National Public Library, Dr. Ambedkar Chairs in Universities / Institutions, Dr. Ambedkar Award for Social Understanding and upliftment of Weaker Sections and the Dr. Ambedkar International Award for Social Change.

### Constitutional Provisions

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

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

In pursuance of the above Constitutional provisions, various legislative enactments have been framed to protect, safeguard and promote the interests of women. Many of these legislative enactments

have been in the sphere of labour laws to ameliorate the working conditions of women labour.



## Chapter 2 Status of women India during and after Vedic period

Women of specific sections of society (namely Brahmanas and Kshtryiya) during the early Vedic period enjoyed equal status with men in all aspects of life, but such rights were not available to all sections of society due to superstitious and man-dominated scripture of Manu. The status of women was on declining trend. The reform movements such as Jainism allowed women to be admitted to religious orders, by and large women in India faced confinement and restrictions. The practice of child marriages is believed to have started around the sixth century. Few texts exist that specifically deal with the role of women an important exception is the Stri Dharma Paddhati of Tryambakayajvan, an official at Thanjavur c. 1730. The text compiles strictures on women's behaviour dating back to the Apastamba sutra (c. 4th century BCE). The opening verse goes: मुखो धर्मः स्मृतिषु विहितो भार्तृशुश्रूषानम हि : Women are enjoined to be of service to their husbands.

The status represents the position of individual in the group. The word status denotes the position of an individual in a system with attendant rights and duties. It is the position which the individual occupies in the group by virtue of his or her sex, age, family, occupation, marriage and achievement. The status of women refers to her position in the network of social role structure, privileges, rights and duties. It refers to her rights and duties in family and social life. The status of a woman is generally measured in the comparative amount of prestige and respect accorded to her with that of man.

The status of Hindu women in India has been fluctuating. It has gone through several changes during various historical stages. Historically speaking, women in India have passed through two phases of their life – the period of subjugation and the period of liberation. At times she has been suppressed and oppressed and at times she is regarded as the

deity of the home. From the Vedic age till today, her status and position has been changing with the passing of time. The Rig-Vedic society was a free society. The Aryans evidently preferred male child to female child. However, females were as free as their male counterparts. Education was equally open for boys and girls. Girls studied the Veda and fine arts. Women never observed purdha in the Vedic period. They enjoyed freedom in selecting their mates. But divorce was not permissible to them. In the family, they enjoyed complete freedom and were treated as Ardhanginis.

In domestic life women were considered to be supreme and enjoyed freedom. Home was the place of production. Spinning and weaving of clothes was done at home. Women helped their husbands in agricultural pursuits also. Husband used to consult his wife on financial matters. Unmarried daughters had share in their fathers' property. Daughter had full legal rights in the property of her father in the absence of any son. Mother's property, after her death, was equally divided among sons and unmarried daughters. However, married women had no share in father's property. As a wife, a woman had no direct share in her husband's property. A widowed mother had some rights. The woman was regarded as having an equally important share in the social and religious life because a man without woman was considered as an inadequate person. She regularly participated in religious ceremonies with her husband. There were many scholars who composed hymns of Rig Veda. Lopamudra, Gargi and Maitreye were the pioneers among them. Lopamudra, the wife of Agasti rishi, composed two verses of Rig Veda.

Traditions such as Sati, Jauhar, and Devadasi among some communities have been banned and are largely defunct in modern India. However, some instances of these practices are still found in remote parts of India. The purdah is still practiced by Indian women in some communities. Child marriage remains common in rural areas, although it is illegal under current Indian law.

- Sati: Sati is an old, almost completely defunct custom among some communities, in which the widow was immolated alive on her husband's funeral pyre. Although the act was supposed to be voluntary on the widow's part, its practice is forbidden by the Hindu scriptures in Kali yuga, the current age. After the foreign invasions of Indian subcontinent, this practice started to mark its presence, as women were often raped or kidnapped by the foreign forces. It was abolished by the British in 1829. There have been around forty reported cases of sati since independence.

- Jauhar: Jauhar refers to the practice of voluntary immolation by wives and daughters of defeated warriors, in order to avoid capture and consequent molestation by the enemy. The practice was followed by the wives of defeated Rajput rulers, who are known to place a high premium on honour. Evidently such practice took place during the Islamic invasions of India.

- Purdah: Purdah is the practice among some Hindu and Muslim communities requiring women to cover themselves in front of males for the purpose of modesty.

- Devadasis: Devadasi is often misunderstood as religious practice. It was practised in southern India, in which women were "married" to a deity or temple. The people of the temple used to rape and physically and mentally harass the beautiful girls of lower caste in the name of God. The ritual was well-established by the 10th century A.D. By 1988, the practice was outlawed in the country.

B. C ontribution of Dr. Ambedkar for the upliftment and empowerment of Indian women during British rule and after independence.

Dr. Ambedkar a determined fighter and a deep scholar has made significant efforts to lead the society on the path of Liberty, Equality and Fraternity. He was first Indian to break down the barriers in the way of advancement of women in India. He stated that women should be given all round development more importantly social education,

their wellbeing and socio-cultural rights. He emphasized that each and every section of Indian women be given their due share and it is a must to maintain and protect dignity and modesty of women.

Dr. Babasaheb Ambedkar always believed in movements led by women. He insisted that every married woman must participate in her husband's activities as a friend. But she must show the courage to deny the life of slaves. She should insist on the principle of equality. If all the women follow it, they will get the real respect and their own identity. He stated "We shall see better days soon and our progress will be greatly accelerated if male education is persuaded side by side with female education". He started a strong movement against the Hindu social order and launched a journal Mook Nayak in 1920 and Bahiskrit Bharat in 1927 for this purpose. Through its issues he put due stress on the gender equality and the need for education and exposed the problems of the depressed as well as women.

In January 1928, a women's association was founded in Bombay with Ramabai, Ambedkar's wife, as its president. The encouragement of Dr. Ambedkar to empower women to speak boldly was seen when Radhabai Vadale addressed a press conference in 1931. She said "It is better to die a hundred times than live a life full of humiliation. We will sacrifice our lives but we will win our rights." Dr Ambedkar believed in the strength of women and their role in the process of social reform. He said, "I measure the progress of community by the degree of progress which women had achieved. Let every girl who marries stand by her husband, claim to be her husband's friend and equal, and refuse to be his slave. I am sure if you follow this advice, you will bring honour and glory to yourselves."

The constitution has laid down as a fundamental right the equality of sexes. But the change from a position of utter degradation and subjugation of women in the nineteenth century to a position of equality in the middle of the twentieth century is not a simple case of progress of women in modern era. Revolutionary changes have taken place in the position of women in India after independence. The

Constitution of India provided for special steps to be taken by the government to improve the condition of women by separate institutions.

A quick and effective change in the status of women was contemplated through social legislations. The Constitution of India guarantees certain fundamental rights and freedom such as protection of life and personal liberty. Indian women are the beneficiaries of these rights in the same manner as the Indian men. Article 14 ensures equality before law and Article 15 prohibits any discrimination. Article 16(a) forbids discrimination in any respect of employment of office under the state on the grounds only of religion caste, sex, descent, and place of birth, residence or any of them.

In the post-independent India we had series of laws passed for the upliftment of women. These legislations have been brought in order to give equal rights and privileges with men, to eliminate discriminations against women, remove inequality between sexes, and remove external barriers coming in the way of their self-realisation and development. The important Acts passed for the upliftment of women are:

- The Hindu Marriage Act of 1955: This Act provided equal rights to women to obtain divorce and also maintenance in certain cases.
- The Hindu Adoption and Maintenance Act of 1956: By virtue of this Act a woman can adopt a boy or a girl as her son or daughter.
- The Hindu Minority and Guardianship Act of 1956: This Act provides that a woman is entitled to act as the natural guardian of her minor children.
- The Hindu Succession Act of 1956: As a result of this Act, woman has got equal rights in the inheritance of family property. This Act is a landmark in the history of Hindu law.
- The Hindu Women Right to Property Act of 1973: This Act has given more facilities to women. According to this Act, the daughter,

the widow, and the mother can inherit property of the deceased simultaneously. Now women will hold her property absolutely with full right to sell, mortgage, and dispose of as she desires. But according to the Hindu Succession Act, 1956, woman has only to enjoy her husband's share in coparcenaries property for her life time without any right to alienate property.

- The Dowry Prohibition Act of 1961: According to this Act, taking or demanding dowry is an offence punishable by imprisonment and or fines.
- The Equal Remuneration Act of 1976: This Act does not permit wage discrimination between male and female workers.

C. Impact of Dr. Ambedkar's Efforts for the Empowerment of Indian women:

Considering the guidelines, recommendations, suggestions and statutes given by Dr. Ambedkar, the Government of India and other State Governments have implemented large number of schemes for the empowerment of women in India. On Dr. Ambedkar's death, in the condolence message in parliament, then Prime Minister Mr. Jawaharlal Nehru said "Babasaheb Dr. Ambedkar was a symbol of revolt against all oppressive features of Hindu society". His dream of society, based on gender equality is yet to be realized and therefore his thoughts are important for the social reconstruction that favours women empowerment.

a. Laws for Women Empowerment in India

Here is the list of some specific laws which were enacted by the Parliament in order to fulfil Constitutional obligation of women empowerment:

- The Equal Remuneration Act, 1976.
- The Dowry Prohibition Act, 1961.
- The Immoral Traffic (Prevention) Act, 1956.

- The Maternity Benefit Act, 1961.
- The Medical termination of Pregnancy Act, 1971.
- The Commission of Sati (Prevention) Act, 1987.
- The Prohibition of Child Marriage Act, 2006.
- The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
- The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act, 2013.

#### b. Government Schemes for Women Empowerment

The Government programmes for women development began as early as 1954 in India but the actual participation began only in 1974. At present, the Government of India has over 34 schemes for women operated by different department and ministries. Considering various article in the constitution, many schemes for the empowerment have been launched by the part and current government. Like-Beti Bachao Beti Padhao Scheme, One Stop Centre Scheme, Women Helpline Scheme, UJJAWALA : A Comprehensive Scheme for Prevention of trafficking and Reuse, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation, Working Women Hostel, Rajiv Gandhi National Creche Scheme For the Children of Working Mothers, Ministry approves new projects under Ujjawala Scheme and continues existing projects, SWADHAR Greh (A Scheme for Women in Difficult Circumstances), Revision under IGMSY in Accordance with National Food Security Act, 2013 in XIIth Plan, Support to Training and Employment Programme for Women (STEP), NARI SHAKTI PURASKAR, Awardees of Stree Shakti Puruskar, 2014 & Awardees of Nari Shakti Puruskar, Awardees of Rajya Mahila Samman & Zila Mahila Samman, Indira Gandhi Matritva Sahyog Yojana (IGMSY) - A Conditional Maternity Benefit Scheme, Mahila police Volunteers etc.

The efforts of government and its different agencies are ably supplemented by nongovernmental organizations that are playing an equally important role in facilitating women empowerment. Despite concerted efforts of governments and NGOs there are certain gaps. Of course we have come a long way in empowering women yet the future journey is difficult and demanding.

### c. Constitutional Provisions

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

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



10. Article 243T(3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality;

11. Article 243T (4) provides reservation of offices of Chairperson in Municipalities for Sc, ST, Women in such manner as the legislature of a State, may by law provide;

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

### **Chapter 3 Ambedkar's Feminism: Debunking the Myths of Manu in a Quest for Gender Equality**

There is no doubt in a single mind that Ambedkar has been a champion of women's rights, their freedom and their equality. As the first law minister of India, he introduced several laws for the benefit of women, however; his greatest contribution towards gender equality was his movement against the manacles of Brahmanical patriarchy that bound a woman in a society already shackled by caste. Through his analysis of the inherent bias in the treatment of women in the laws articulated by Manu, Ambedkar lays bare how the existing gender relations and the roles prescribed to women under the Hindu social order are constructed such as to privilege men and subjugate women.

In a casteist society, the anxieties regarding caste purity are charted out on the body of the woman. The onus of maintaining the caste purity lies with the woman by dint of her reproductive potential and therefore she becomes a threat that needs to be subjugated and controlled for the very existence and proper functioning of the caste system. In order to achieve this feat, several ritualistic or ideological standpoints were inherent in the Brahmanical patriarchy. Yalman (1963) in her comparative study of caste of Ceylon and Malabar writes how female sexuality is considered threatening and something to be protected from by various ritualistic practices to prevent the 'pollution' of women. She goes on to say:

The main issue is the concern centering around female sexuality when male sexuality is not necessarily ritualized. I hope to show that filiations through the mother, and the protection of female purity is fundamental to the caste system of Ceylon and Malabar and that these principles may have structural implications in other Hindu castes.

Likewise, Ambedkar notes that the basis of caste is endogamy and it can only be maintained if the marriageable units of both the sexes are

equal. Thus, a couple must either die together or the remaining partner must be disposed of such that he/she cannot realize their sexual potential. For the woman, this can be done in two ways, one is the practice of Sati and the second is the imposition of widowhood. In the first scenario, the woman is eliminated from the reproductive economy but in the second, her threat persists. This is successfully neutralized by degrading the woman to such a condition that she is no longer a source of allurements. Whence come the atrocities that widows face like having to give up colourful attire in exchange for white sarees and to permanently part with any jewellery or cosmetics and in some cases, even shave their heads. To ensure that they are no longer a source of allurements, they are 'uglified'.

For the man, Ambedkar notes, the two ways are celibacy, in which case he automatically withdraws himself from the reproductive economy, or 'recruiting a bride from the ranks of those not yet marriageable' (Ambedkar & Moon, 2014, p. 299). It is obvious that such a marriage is monstrous and barbaric to say the least and therefore it is needed to paint such a practice in the colours of ideological coercion. Child marriages were thus justified by maintaining that a really faithful man or woman ought not to feel affection for a woman or a man other than the one with whom he or she is united. Such purity is compulsory not only after marriage, but even before marriage, for that is the only correct ideal of chastity. No maiden could be considered pure if she feels love for a man other than the one to whom she might be married. As she does not know to whom she is going to be married, she must not feel affection for any man at all before marriage. If she does so, it is a sin. So it is better for a girl to know whom she has to love before any sexual consciousness has been awakened in her. (Ambedkar & Moon, 2014, p. 300)

Thus, the idea of an ideal chaste femininity is created so that women toe the line of the Brahmanical patriarchal institutions so as to preserve caste purity.

Ambedkar battles Manu's utterly degrading perception of women by juxtaposing it with the sharply contrasting position of women during the pre-Manu days. Manu depicts women as impure, lustful beings (with neither property rights nor rights to education), who should always be dependent on a man, be it a father, husband or a son. Thus, Manu ensures women's cooperation in the maintenance of caste purity through their utter dependence on men and their social seclusion. Ambedkar combats Manu's regressive regimes by pointing out instances from the Vedas such as:

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 Ashtadhyai bears testimony to the fact that women attended Gurukul and studied the various Shakhas of the Veda and became expert in Mimansa. Patanjali's Maha Bhashya shows that women were teachers and taught Vedas to girl students. The stories of women entering into public discussions with men on most abstruse subjects of religion, philosophy and metaphysics are by no means few. (Ambedkar & Moon, 2014, p. 432)

This is in stark contrast to Manu's belief that women have no right to study the Vedas. That is why their Sanskars (rites) are performed without Veda Mantras. Women have no knowledge of religion because they have no right to know the Vedas. The uttering of the Veda Mantras is useful for removing sin. As women cannot utter the Veda Mantras they are as untruth is. (Ambedkar & Moon, 2014, p. 431)

It is a gross injustice to women to not be allowed to read and chant the Vedas or obtain proper education. By doing so, Ambedkar and Moon (2014) say, 'Women are not only denied the right to realize (their) spiritual potentiality (but) ... declared to be barren of any spiritual potentiality.' It thus comes as no surprise that Ambedkar was a spokesman for the educational rights of women. During the

Conference of Depressed Classes held on 25 December 1927 in Mahad, he burned the Manusmriti in front of more than 50 women and during the meeting of more than 3,000 women held at the end of the conference, urged them to educate their children. He understood very well that the only way to counter patriarchy is education and not just education but proper learning, and knowledge of the falsities being propagated by the likes of Manu in his Manusmriti:

It is the nature of women to seduce men in this (world); for that reason the wise are never unguarded in (the company of) females. 214. For women are able to lead astray in (this) world not only a fool, but even a learned man, and (to make) him a slave of desire and anger. (Müller, 1979, p. 11)

By calling women 'lustful' beings, Manu identifies women through their sexuality and makes unbridled lust their essential nature such that instead of being considered a part of the whole, female sexuality replaces the whole as an exaggerated part. This is a tool used to control the one power that only women can yield, that is, the power of reproduction in the reproductive economy laced with the anxiety of patrilineal succession in order to maintain caste purity. To do so, women must be closely guarded by the men in order to maintain absolute control over women's sexuality. It is therefore that Manu says:

Knowing their disposition, which the lord of creatures laid on them at creation (i.e., their reproductive power, their sexuality, their essential nature) every man should most strenuously exert himself to guard them. (cited by Geetha, 2002, p. 582)

Ambedkar's Rise and fall of Hindu woman: Who was responsible for it? is a treatise in favour of women adopting Buddhism and asceticism. Sharma (2017) calls this move 'a revolution and liberation' simultaneously. Bhikkhunis (female ascetics) in Buddhism had the right to read, learn and obtain knowledge. They were thus given the right to 'spiritual potentialities' which Manu denied them.

Not only did they earn themselves individual liberty by renouncing the Hindu social order by acting upon their freedom to choose to withdraw themselves from the existent reproductive economy created by the caste system through asceticism but were also able to view themselves not as fragments or adjuncts but as a whole, thus integrating the part with the whole. Manu decreed that ‘funeral rites shall also be withdrawn from women who have joined a heretic sect’ (as cited in Chakravarti, 1993, p. 128) because these women, by retiring themselves from their roles of reproduction, undermine the very foundation of the system of caste purity. Ambedkar rightly saw this as a rebellion.

In ‘The change from paternity to maternity. What did the Brahmins wish to gain by it?’, Ambedkar and Moon (2014) illustrate the eight different forms of marriages and how some of them are ‘euphemisms for seduction, rape’ and sale of the woman. Likewise, Ambedkar mentions the various ways in which a son is begotten to a father. Both these principles underline the clear demarcation between female sexuality and motherhood. For the maintenance of caste purity, it became imperative for female sexuality to be channelized only and only into motherhood such that there are no other pathways for legitimizing sexuality than motherhood and fidelity to husband. Thus, anxieties regarding caste purity and patrilineal succession are eliminated by a woman’s mating with a prescribed partner within the community and a woman’s mating with a single partner (Chakravarti, 1993, p. 581).

Ambedkar mentions that Manu decrees how man’s right to compel his daughter to submit to sexual intercourse with a man of his choice in order to get a son for himself continued to exist even after the daughter was married. Such a monstrous practice denies women not only their sexual rights but also rights over their own bodies. Likewise, Manu decrees that in case the husband is dead or impotent, the brother of the husband can help the wife beget a son. This law

depicts the completion of the goal of patrilineal succession at the cost of grave injustice to the women by treating them as slaves and property or mere tools for the succession of the community. As Chakravarti (1993) puts it, this is a practice of, 'utilizing the reproductive potential of women under the rules laid down by men to further cultural norms which privilege them'. It is owing to this reproductive potential that women are subjected to stringent recluse.

Steps are taken so that this reproductive potential can only be utilized by the men and even though vested in their own bodies, women can be denied its usage. To this end, several modes of ideological subjugation can be found in existence in the lexicon of the casteist male. One is the rhetoric of the woman's devotion to her husband such that she has to be a true pativrata, a true chaste woman. Utmost devotion to her husband is her stri dharma which is in opposition to her stri svabhava of adultery. This chastity (stri dharma) becomes the idealized notion of womanhood and is revered. It becomes the yardstick by which every woman's character is measured, judged and graded such that it becomes the ideal goal of a woman to reach the pinnacle of idealism vested in the likes of women like Sita, Sati or Savitri, to name a few. These women are not just worshipped and consecrated but are respected by the men. Thus, they become the very image of the highest veneration of femininity while in reality being a means of containing the said femininity in women. Such is the masterstroke of the ideological suppression by the Brahmanical patriarchy that it is the women who impose fetters upon themselves without even realizing it. Thus, their subordination is invisibilized and the patriarchy is naturalized.

Dr Ambedkar clearly saw through this kind of ideological subordination that was made to run in the veins of the women without realizing it. During the Depressed Classes Women's Conference held in Nagpur on 20 July 1942, Ambedkar asked women to not feed their spouses if they are drunk. Such an instruction goes against the grain

of the principles of ideal womanhood instilled in the women by the Hindu social order. After all, Manu orders the women to revere their husbands and worship them even if they are of a bad character. Ambedkar urged women to marry only and only when they are financially stable so that they are not dependent on the men and can break free from Manu's laws of women's dependency on the men. He asked them to stand by their husbands as their friend and an equal and not as a slave. Therefore, he urged the women to openly flout and defy the rules laid down for them by Manu and the Hindu social order.

The Hindu social order ordains that women are the markers through whom the honour and respectability of men is protected and preserved. They themselves are therefore not the victim of the follies that Manu ascribes to them, but instead, it is the men that they belong to that suffer from their supposed indiscretions. This rhetoric is powerful enough to advocate absolute control over the bodies of women by the men that they belong to. At the same time, it renders the women powerless over their own bodies and takes away their existence as a free thinking being. However, Ambedkar maintains that women are free and equal partners of men and must take control over their own bodies. To this end, he advised them to dress well and clean themselves. This was so because he wanted them to realize that they and not the men should be in control of their bodies and thus, women should take care of their own bodies. He very well realized the importance of women in his movement against castes.

Even though Ambedkar brought out many reforms and worked tirelessly for the upliftment of women, his most monumental step towards the realization of gender equality is definitely his proposition of the Hindu Code Bill in the Parliament. Ambedkar introduced the Hindu Code Bill in the constituent assembly on 11 April 1947.

This Bill was revolutionary in its attempt to offer rights to women which Manusmriti had vehemently denied. The Hindu Code Bill proposed for women the right to education, right to property and inheritance, and the right to divorce. In doing so, it went against the



very principles that Manu had laid down to control and contain women. Halli and Mullal (2016) excellently sum up Ambedkar's proposition in the Parliament:

The bill mainly covered right to property, order of succession to the property, and maintenance, marriage, divorce, adoption, minority and guardianship. The Bill was based on the idea that law must be stable and yet it must change to answer the felt needs of changing times.

Manu denied women the right to even chant the Vedas. He was opposed to the very idea of women's education. However, Ambedkar in the Hindu Code Bill makes education a fundamental right of women. He thus tries to eliminate the web of dependency that Manu created for women to be wholly subservient to the men around them.

Likewise, in guaranteeing a right to property and inheritance, he goes directly against the very precepts of Manusmriti wherein women could not hold any property. Without any property or education, women would have neither a means of livelihood nor a roof on their head which would compel them to be tied to the male members of their family—fathers, husbands, sons, brothers even unwillingly. Thus, they would be forced to obey the men and serve them because they would have no other choice. This forced submission guarantees from the women their obedience in return for their means of survival such that they cannot 'stray' sexually and their reproductive potential is successfully governed by men.

Another drastic change that Ambedkar tried to introduce through the medium of the Bill was monogamy in marriages and ending all forms of marriages other than the dharmic (sacramental) and civil marriages. He fixed a minimum marriageable age for both men and women, thus ensuring that a woman as young as five could not be married off to widowers, as was often the case.

Unlike Manu, who proposed that women must worship their husbands no matter their faults, Ambedkar offered both men and women the

right to divorce in the Hindu Code Bill. Thus, women no longer needed to remain chained to a husband who was cruel to her.

It is also important to note that Ambedkar did away with the caste system in the Hindu social order in his Bill through his controversial definition of a Hindu as a person who did not identify as a Muslim, Christian, Jew or Parsi. Such a definition puts an end to all regional discrimination against women as it encompasses all customs, traditions and cultural codes throughout all communities. However, in doing so, the Bill included Sikhism, Jainism and Buddhism which had evolved into somewhat independent religions with their own unique cultural practices.

Sinha writes, ‘Law in its formative phase is deeply embedded culturally...Law thus evolves not outside the social sphere, but within the society’ (Sinha, 2015, p. 1). It comes as no surprise that such a revolutionary Bill which is in direct conflict with all the social customs that were practised till that time was met with plenty of opposition. It went against the very grain of Manusmriti. The biggest bone of contention for both the common masses and the political leaders involved in the parliamentary procedures was that the Bill was against the alleged Hindu cultural ethos. Dr Prasad, the then President of India, believed that before such a Bill could be considered in the parliament, public opinion about the same must be taken into consideration. Majority of the leaders who opposed the Bill believed that it targeted and threatened Hinduism as a religion. Some on the other hand were of the opinion that the Bill was drawn up rather hastily and would end up as dead letters without any actual or substantial social consequence. *Economic & Political Weekly* (1949) sums up their side of the argument aptly as ‘there are no short cuts to securing equality between the sexes, or any of those other highly desirable ends that the Government sponsored bill has in view’.

When Ambedkar could not pass the Bill even with multiple revisions and strenuous discussion due to stiff opposition, he chose to resign. He tendered his resignation on 27th April 1951 stating:

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 present Parliament came to an end. I even agreed to break up the bill and restricted it to Marriage and Divorce in the fond hope that at least this much of our labour may bear fruit. But even that part of Bill had been killed. I see no purpose in my continuing to be a Member of your Cabinet. (as cited in Sinha, 2012, p. 3)

Evidently, the independent India was not yet ready for such a radical change in the treatment of women in its personal laws. However, the Bill was not totally abandoned. A watered-down amendment of the same was passed in 1955–1956. ‘It included the Hindu Marriage Act, Hindu Succession Act, Hindu Minority Act and Guardianship Act, and Hindu Adoptions and Maintenance Act’ (India Today, 2017).

It is because women have the power to topple the entire caste hierarchy that they become subjects of such prudent restraint by those men whose job is to ensure the continuity of caste and gender hierarchy. This is so because the safeguarding of the caste structure is achieved through the highly restricted movement of women or even through female seclusion. Women are regarded as gateways—literally points of entrance into the caste system. The lower caste male whose sexuality is a threat to upper caste purity has to be institutionally prevented from having sexual access to women of the higher castes. (Chakravarti, 1993, p. 579)

Their reproductive potential is feared by the men who seek to keep the caste and gender relations alive and thriving. Their minds, more importantly, their bodies, must be kept in control of these men lest the horror of miscegeny should befall them, collapsing the very basis, the very centre of castes, that is, as has been established—endogamy. Women thus have the power to dismantle and disintegrate the entire structure of Hindu orthodoxy and castes.

## **Chapter 4 Brahmanical patriarchy: How Ambedkar explained the links between caste and violence against women**

“Castes In India: Their Mechanism, Genesis and Development”, a research paper in which Ambedkar seeks to establish caste as a product of sustained endogamy, was written in 1916 at Columbia University for the anthropology seminar of Dr AA Goldenweiser and eventually published in the Indian Antiquary in 1917. In 1913, assisted by a scholarship from Maharaja Sayaji Rao of Baroda, Ambedkar had enrolled as a student in the faculty of political science at Columbia University, United States. In this essay, Ambedkar critiques the essentialisation of caste and seeks to establish its knowability – as a theoretical and practical problem. Specifically, he seeks to understand intermarriage restrictions, social relations, and the re-rooting of caste structure in new spaces. In contrast to the anthropological equation of caste to race in his time, Ambedkar counted cultural homogeneity, notwithstanding racial difference, among India’s distinctions as a nation. So the problem, as it were, was to explain exactly how this homogenous culture splintered into neat, impervious parcels, or how caste evolved.

To start, he brackets the origin of intellectual positions on caste formation. By his lights, with regard to existing colonial discourse on race and cultural evolution, biography and origin more than justifiably slant anthropologists’ ideas, such that colour either gains undue influence, or occupation, migration, and “new beliefs” are located at the very core of caste formation.

For instance, when gripped by the notion of jatis as isolated units, caste studies was blind to the crucial point that caste was a system constituted by interdependent components and their composition forming an integrated whole.

This led to the misdiagnosis of symptoms such as the absence of mixing with other castes as causes. Here, his drawing attention to

sociologist and historian SV Ketkar's formulation is much more than Ambedkar endorsing a "native" position. Rather, he illuminates the "openness" that allows Ketkar to examine caste in relation to the entire system of caste. Furthermore, he reasons that caste's two characteristics – intermarriage prohibitions and membership by autogamy as Ketkar outlined – flanked the same coin. In other words, endogamy (absence of intermarriage) was the essence of the caste system. Ambedkar goes on to make extra-domestic comparisons with the United States where racial endogamy did not lead to caste formation, unlike India where racially mixed, culturally homogenous peoples were artificially divided into fixed units of castes. In so doing, he attempts to establish endogamy as a characteristic so peculiar to caste that it spawned and sustained a range of mechanisms in the development of a structure we know as the caste system.

While primarily concerned with how caste developed, Ambedkar's discussion of endogamy also defines an important shift in social relations. Endogamy effectively superimposed the existing practice of exogamy that he maintains was the elemental law of primitive societies, including those in the subcontinent. How did this superimposition actually occur, and how was the marriage circle formed? Practically speaking, it was an issue of parity between marriageable units, men and women, or how to maintain it.

By thus framing caste within gender differences that determined the value of surplus man and surplus woman, Ambedkar was laying the base for what was, properly speaking, a feminist take on caste.

We learn that the surplus woman is "disposed of" in one of two ways. When sati – burning a woman on her husband's pyre – was not possible, enforced and degraded widowhood was pressed into service. Of course, "male superiority among groups" did not allow a surplus man, or a widower, to be subject to the same treatment. Because losing a man was losing labour and depleting group numbers, the problem was resolved by marrying him to someone from a not-yet marriageable group, a moral fence scaled by institutionalizing girl

child marriage. It is precisely for this reason that Ambedkar's view of caste was entrenched in endogamy, which by its prohibition on intermarriage provided the basic framework for the development of the caste structure.

Regarding endogamy's outcome, Ambedkar maintains that scholars have spent more time charting how sati, child marriage, and enforced widowhood accrued social value than investigating their origins. Here, he is no doubt highlighting a double manoeuvre by which Brahmanical ideology both preserved and eulogized the very practices that degraded women. In Ambedkar's formulation, three operations central to the origin and development of caste come to light: intra-group organization of reproduction, violent control of surplus woman's sexuality, and legitimating control practices through ideology.

Promising to explain the exact process at a later date, Ambedkar maintains that caste is enclosed class, and that Brahmans were the first class to raise the walls of endogamy, a custom that non-Brahmans certainly emulated, though not strictly. He rules out imposition by law-givers (caste existed prior to Manu), divine dispensation, and/or social growth as reasons for the spread of endogamy. His argument that "some closed doors – others found them closed" draws on French sociologist Gabriel Tarde's law of imitation in an effort to show that the practice of imitation of endogamy flowed from higher to lower levels, and that the extent of imitation varied inversely in proportion to caste proximity. Whereas castes closest to Brahmans imitated all three customs, those further away pursued only those beliefs present in caste principles. Moreover, we learn that enclosure and endogamy were always under threat of violation or innovation, and prescribed options of penalties, particularly excommunication, lead to the formation of new castes.

In focusing on endogamy, Ambedkar is essentially drawing attention to the inferior status of women within caste groups, that he claims produced two significant results.

Firstly, the surplus man and the surplus woman received differential treatment, or as Ambedkar puts it, “man – as a maker of injunctions is most often above them all”. Secondly, because gendered violence became common and naturalised, castes were regarded as born not made, thus making them automatically exclusionary. By this, sati, and enforced and degraded widowhood became the chief means to disposing of surplus – practices that castes closest to Brahmans replicated variously, resulting in male superiority in all castes across the hierarchy. It is for this reason that Ambedkar saw caste’s exclusionary violence and subjugation of women inherent in the very processes that lead to caste formation.

“The Rise and Fall of the Hindu Woman”, published in the journal *Maha Bodhi* in 1951, was Ambedkar’s response to an article published in the magazine *Eve’s Weekly* that blamed the Buddha for the fall of women from the “golden position”. Perhaps alluding to the nationalist myth of the Vedic woman, Ambedkar claims to see a pattern in such indictment and urges an examination of the roots of the repeated charge against the Buddha.

The text lists three oft-repeated accusations against the Buddha with regard to women. Firstly, the Buddha forbade all interaction with women. This refers to a dialogue between Buddha and Ananda in Chapter V of the *Mahaparinibbana Sutta*. Secondly and thirdly, Buddha opposed women’s demands to take *parivraja* (ordination) and when he did permit the same he also subordinated the *Bhikkhuni Sangha* (community of women disciples) to the *Bhikkhu Sangha* (community of male disciples). The text attempts a rational rebuttal of these allegations against the Buddha by analysing how codification distorts oral traditions. Ambedkar presents textual evidence that contradicts the charges, and makes historical comparisons between the Buddha’s position on women and women’s positions before and after the rise of Buddhism.

The last section of the essay, which borrows heavily from his earlier, then unpublished text, “Women and Counter-Revolution/ Riddle of

Women”, compares the rights of women in the pre-Manu and Manu eras, and emphasises the latter as the period that initiates the subordination of women.

Specifically, he calls attention to Manu’s description of women as immoral, disloyal, and impure that is then used to justify his injunction against their freedom under all circumstances.

Ambedkar contends that Manu’s rulings were a reaction to the freedom women enjoyed in the Buddhist period. Manu’s design of ideal womanhood, which was based on exalting the husband, or the pativrata ideology, reinforced the gendered contours of the Brahmanic counter-revolution. Prior to Manu, this ideal had been only a theory of the Brahmans. Manu, claims Ambedkar, made the ideal and the related practices – such as denying funerals to women joining heretic sects and those born of mixed unions – state law. In conclusion, Ambedkar views Manu’s turning of what were specifically Brahmanic ideals for women into state law in terms of a defence mechanism. Manu’s laws should be read as a preemptive response to the potential threat to Brahmanical religion – if women and Shudras turned to Buddhism for succor.

In the late 1980s, against the backdrop of rising Hindutva politics, Uma Chakravarti’s pertinent essay “Whatever Happened to the Vedic Dasi?” brought under scrutiny the hyper-visibility of the Aryan woman and disappearance of the woman in servitude (Dasi) in nineteenth-century Hindu liberal and conservative discourses. More recently, feminist historians such as Kumkum Roy have drawn attention to the resurgence of the Vedic woman in writings concerning gender relations in early India. These writings by feminist historians call for further feminist engagement on the many constructions and reconstructions of the myth of the Vedic period as a golden age for women.

Ambedkar’s history of revolution and counter-revolution in “The Rise and Fall of the Hindu Woman”, which sets the nationalist



construction of the “Golden Vedic Age” theory on its head, justifiably should be regarded as one of the proto-feminist approaches to writings on ancient India.

At the end of this essay, Ambedkar states that those seeking the truth will not place the blame for the downfall of women on the Buddha but on Manu.

Indeed, in the past decade, in the aftermath of the implementation of the recommendations of the Mandal Commission and the assertion of Dalit feminism, feminist scholarship has sought to unravel the “truth” of Brahmanical patriarchy and therefore taken Manu to task by exploring the possibilities Buddhism offered to women. A feminist reclamation of “The Rise and Fall of the Hindu Woman” would lead to a fruitful discussion between Ambedkar’s Buddha and contemporary feminist positions on the question of whether Buddhism provides a viable alternative to Brahmanical patriarchy.

# **Chapter 5 Women Emancipation and Empowerment: Ideas, Vision and Policy Prescriptions**

## **Empowerment and Emancipation: Conceptual Foundations**

Empowerment can be defined as a person's capacity to make effective choices and to transform choices into desired actions and outcomes. The extent to which a person is empowered is influenced by the capacity of the person to make a choice and the degree of opportunities that exist in the context of making choice. Thus, empowerment can be measured by indicators that indicate asset endowments like psychological, informational, organizational, material, social, financial or human; and the degree of opportunity like the presence and operation of formal and informal institutions, including the laws, regulatory frameworks, and norms governing behavior.

Empowerment can also be referred to a process by which those who have been denied power gain power, in particular the ability to make strategic life choices. For women, these could be the capacity to choose a marriage partner, a livelihood, or whether or not to have children. For this power to come about, three interrelated dimensions are needed: access to and control of resources; agency (the ability to use these resources to bring about new opportunities) and achievements (the attainment of new social outcomes). Empowerment, therefore, is both a process and an end result. This understanding differs greatly from instrumentalist interpretations which view empowerment purely in terms of measurable outcomes. Instrumentalist interpretations are problematic because they convey the belief that social change can be predicted and prescribed in a cause and effect way and undermine the notion that women's empowerment should be about the ability of women to make self-determined choices.

The scope of empowerment can be broadened as a multi-dimensional process of civil, political, social, economic, and cultural participation and rights. Thus to analyze this process several key domains can be considered. The domains can be socio-demographic indicators, bodily integrity and health, literacy and educational attainment, economic participation and rights, political participation and rights, cultural participation and rights etc. These can then be used to assess women's participation (referring to an active social condition), rights (referring to a formal, legal condition) and capabilities (preconditions for the enjoyment of rights and enhancement of participation)".

The empowerment of women requires the challenging of patriarchal power relations that result in women having less control over material assets and intellectual resources. Women participate in their own oppression so that they must first become aware of the ideology that legitimizes male domination. The empowerment process starts from within but access to new ideas and information will come from external agents. With new consciousness and the strength of solidarity, women can assert their right to control resources and to participate equally in decision making. Ultimately, women's empowerment must become a force that is an organized mass movement which challenges and transforms existing power relations in society".

However, there exists no common understanding regarding the measurement of women's empowerment. There are debates over basic concepts, lack of disaggregated data for analysis, and limited information on household dynamics. Measurements and indicators have focused more on civil and political rights, what are known as 'first generation' human rights, than on 'second generation' economic, social and cultural rights.

The need to 'empower' women responds to the growing recognition that women lack control over resources and the self-confidence and or opportunity to participate in decision making processes. At the same time, the realization that women have an increasingly

important role to play in social and economic development has become widely accepted. Unless women are 'empowered' to participate alongside men in the development process, development efforts will only have partial effect. Thus empowerment strategies should attempt 'empowerment' through mainstream programs rather than attempted separately",

Empowerment is the ability of people to make strategic choices in areas that affect their lives. Two key factors in the process of empowerment are identified: control over resources (the conditions for empowerment) and agency (the ability to formulate choices'. Thus, in order to say being empowered women must have equal capabilities such as education and health, and equal access to resources and opportunities such as land and employment. However they must also have the agency to use these capabilities and resources to make strategic choices".

Education is often seen as the key to women's empowerment. Girls' access to schooling is often correlated to women's participation in the formal social, political and legal system. However, this assumes that the experience and knowledge attained in schooling automatically prepares girls to assess their worth and envisage new possibilities".

Cambridge dictionary defines 'emancipated' as 'not limited socially or politically and thus the emancipation of women can be defined as their liberation from religious, legal, economic, and sexual oppression, their access to higher education, and their escape from narrow gender roles. In traditionally patriarchal societies any improvement in the status of women has far-reaching consequences and produces fundamental political changes. Therefore it is always resisted by the established powers .

Emancipation is a term used to describe various efforts to obtain political rights or equality, often for a specifically disenfranchised group, or more generally in discussion of such matters. The word emancipation was in common use in

political affairs of 18th and 19th century political discourse, as in Catholic or Jewish emancipation movements, while female suffrage was a major goal of women's emancipation movements.

Among others, Karl Marx (1818-1883) discussed political emancipation in his 1844 essay "On the Jewish Question", although often in addition to (or in contrast with) the term human emancipation. Marx's views of political emancipation in this work were summarized as entailing "equal status of individual citizens in relation to the state, equality before the law, regardless of religion, property, or other "private" characteristics of individual persons."

In a civil society, that is in modern social realm of individual self-interest, economic competition, etc. Individuals are liberated from determination of their lives and identities by social position. Social mobility becomes possible; rags-to-riches through pursuit individual self-interest. Modern Individuals should be able to choose for themselves occupation, consumption, and lifestyle. These choices are understood to be "private" matters, separate from public or political life. In modern society the political identities of persons are no longer determined by fixed social positions as in feudal social hierarchy.

With political emancipation in a modern democratic republic, a person's property, religion, etc., are understood as "private" matters which do not determine their public lives as citizens. Rich and poor, so called upper and lower caste citizens all are to be treated as equal as citizens.

In modern society, social life and identity of persons are bifurcated: private life of individuals as lived in civil society; public life of citizens as lived in state. The political life of a citizen does not depend upon these characteristics of private life.

Status of Women in Ambedkar's era: Need for Women Empowerment As has been discussed in the preceding chapter, during Ambedkar's era; on the social plane Indian society was based on the principle of graded inequality which meant

elevation for some and degradation for others. Existence of social and legal inequalities gave rise to social reform movements and the Indian society began to demonstrate signs of changes since early 19th century". The common thread that ran across the presence of these diverse social reform movements was primarily re-examination of social customs and institutions from a rational perspective. The British followed a policy of non-interference in customary practices and thus realization of women's right in private sphere remained a difficult task. Legal enactments during British Raj were limited to those customs that were grossly unacceptable from the view-points of western rationality'

The position of women in their private spheres, that is the core issues with respect to gender relations within family and society, generated voices of protest against customary practices like 'Sati', "Widow remarriages", "Female education" etc. The use of English language as a medium of instruction significantly affected the education system. The newly emerging middle class made use of English language as a gateway to the ideology of liberalism which enshrined the values of liberty, equality, respect for individual, secularism etc .

The educational development during the late 18th century and early 19th century led to a number of socio-religious movements in 19th century. The social reform movement has been regarded as a key to the intellectual process that went into the making of modern India. The issues which attracted the attention of the 19th century social reformers were sati, the ill treatment of widows, the ban on widow marriage, polygamy, child marriage, denial of property rights and education to women". The social reformers felt that these social evils should be eradicated by raising consciousness and making people sensitive to the injustice perpetrated on women.

The interventions in both public and private spheres were sought through enacting progressive legislations and by granting women access to education.

The Brahmo Samaj, founded by Raja Ram Mohan Roy in 1825 emphasized the need to remove deep-rooted gender inequality in religious traditions. The movement led by Brahmo Samaj was to abolish gender inequalities and to provide women's rights well inside private sphere of society. The Samaj fought for abolition of child marriages, removal of polygamy and promoting education for women. The Prarthana Samaj, established in 1867 by M G Ranada, K T Telang and Bhandarkar championed the cause of women.

The Arya Samaj, established in 1875 by Dayanand Saraswati, attempted reforms of the caste system and status of women. The ideal of reviving Vedic social consciousness was meant to remove many gender inequalities that developed post-Vedic era. This approach was also propelled by Annie Besant, Swami Vivekananda who believed that ideal society for women can be created by reviving old Vedic society.

The 19th century India marked the beginning of awareness of suffering of women due to oppressive social customs. During this period, a favorable climate was created to improve the status of women in both public and private spheres through legal reforms.

The onset of 20th century saw women performing an expanded role in the society. The necessities of nationalist struggle brought women into the public sphere. The process of involvement of women was initiated during the partition of Bengal in 1905. The position and attitude towards women were changed substantially as a fall out of women participation in Nationalist Movement during Gandhian era. Indian women took active part in non-cooperation movement (1921), civil disobedience movement (1930) through picketing, boycotting of foreign goods, non-violence protest etc". Women also contributed in the Nationalist movement by editing and distributing banned publications, coordinating mass agitations, carrying out constructive works among depressed class of people etc". This process not only drew women out of their private spheres but also it helped them to organize and fight for their own cause rather than depend upon 'benevolent' men in society to promote their cause".

The period between 1903 and 1926 saw several women organizations surfacing in different parts of the country and an effective all India platform was created with the formation of Women's Indian Association in 1917 and All India Women's Conference in 1926•

## **Women Emancipation and Empowerment: Ambedkar's Ideas and Vision**

In the preceding chapter, the social and political ideas of Ambedkar was analyzed in detail. It was discussed that Ambedkar examined in great detail the norms, values and the state of 'Hindu Social Order' affecting the Hindu society. He attempted to identify the root causes for the social discrimination of dalits and untouchables. Subsequently, he tried to prescribe solutions for rectifying the problems associated with the social issues.

He adopted a similar causal approach for identifying the problems of women in the existent contemporary society, the historic reasons for decline in the status of women and finally he recommended social and political measures for their emancipation and empowerment in the Indian society.

As a scholar, Ambedkar wanted to go to the root of the problems of women. He knew that without understanding the root cause of the prevailing Hindu social order, it would be difficult to address the issue of women empowerment. Thus, he made an in depth study of the Hindu scriptures, smritis and shastras which are the fundamentals of Hindu faith that ordained graded socio, religious, economic and cultural status to the chaturvamas (four classes) where women was equated with the shudra category. He realised the irrationality, inhumanity and hollowness of Manusmriti (200 Be), where women had no power and they were not equal partners in life with men.



Ambedkar explained that the inferior position and the subhuman treatment given to women is deeply embedded in the very nature of Hindu social order which does not respect the value of the equality among the individuals and does not recognize the worth of human dignity as according to the Hindu social order even though men are the children 'of Prajapati, the creator of the universe still they are created from different parts of the body of Prajapati. Thereby refusing to recognize that men no matter how profoundly they differ as individuals in capacity and character they are equally entitled as human beings".

As against the principle of equality and fraternity the Hindu social order is based on the three different principles of which Ambedkar finds the first principle of graded inequality as most significant as there is no sphere of life which is not regulated by the principle of graded inequality, women as part of their sex must suffer from this principle and remain as victims of such inequality". Thus, the inferior position as granted to women and the sub-human treatment given to them, can be explained, according to Ambedkar , in terms of very nature of social order which does not respect the value of equality among individuals and which does not recognize the worth of human dignity".

The social order, as fallout of Manusmiriti, aimed at establishing dominance of Brahmins through a system of graded inequality. While this system of graded inequality gave rise differences in class, Ambedkar was of the firm opinion that Manu was also responsible for the fall of Hindu women during post-Vedic era. Criticizing Manu he said "A women in the eyes of Manu was a thing of no value ..... All the responsibility for the decline and fall of women in India must be fastened upon Manu.

In his book 'The Rise and fall of Hindu Women' (1988),<sup>30</sup> he quoted verses of Manusmiriti to explain the social understanding of the position of women such as women should be looked upon as objects for seducing men (11.213) because they were able to lead astray in this world not only a fool but even a

learned man, and were capable of making man a slave of desire and anger (11.214). Thus it would be necessary for men to exert themselves to guard women (IX. 16). He also pointed that Manusmiriti painted a picture of women as creatures known for their disposition-love for ornaments, impure desires, wrath, dishonesty, malice and bad conduct (IX.17), which the Lord of creature laid in them at the creation to be such (IX.16). Thus, Manusmiriti pointed out that day and night they must be kept in dependence by the males of their family and if they attach themselves to sexual enjoyments they must be kept under ones control (IX.2). They needed to be controlled vigilantly by their guardians. Manusmiriti did not offer the right to divorce to women (IX AS). A wife did not enjoy right over property, women were reduced to the level of a slave in the matter of property by Manu (IXA16). The husband had the right to beat his wife (VIII.299). She had no right in selecting a spouse of her own choice and she had to worship her husband faithfully (V.1S4).

Manu made a new rule that killing a woman was only an upapataka that is only a minor offence. A woman had no right to knowledge, the study of Vedas was forbidden to her. She should not perform the daily sacrifices prescribed by the Vedas or else she will go to hell. He also prohibited inter-marriage, women from being nuns to strengthen the roots of Brahmanism."

Thus, Ambedkar argued that the social principles put forward by Manu resulted in degrading the status of women in Hindu society. Ambedkar vehemently criticized the way Manu positioned the status of women. He commented:

"Can anybody doubt that it was Manu who was responsible for the degradation of women in India? Most people are perhaps aware of this. But they do not seem to know two facts. The first thing they do not know: what is peculiar to Manu? There is nothing new and startling in the laws of Manu about women. These are the views of Brahmins ever since Brahminism was born in India. Before Manu they existed only as a matter of social theory. What Manu did was to convert what was a social theory into the laws of the state. The second thing they do not know is the reason which led Manu to impose these disabilities upon women.

Shudras and women were the two chief sections of the Aryan society which were flocking to join the religion of the Buddha and theory undermining the foundation of Brahmin religion. Manu wanted to stem the tide of women flowing in the direction of Buddhism. „

In his written reply to an article in the Eve's weekly where the writer had charged Buddha (563 BC- 483 BC) responsible for the downfall of women in India, Ambedkar commented that Buddha did not shun women and express any disdain for them. Before the advent of Buddha, the right to acquire knowledge was denied to women which was supposed to be the birth right of all human beings. Women were denied the right to realize her spiritual potentiality. Buddha by admitting woman to the life of parivrajaka (an ascetic) removed both these wrongs in one stroke. He gave them the right to acquire knowledge as well as to realize their spiritual potentialities along with men. This revolutionary effort of his brought in India liberation of women which allowed them liberty and dignity. Ambedkar further criticized Manu who was the greatest opponent of Buddhism who put women under restraint. Therefore it was Manu not Buddha he concluded who was responsible for the decline and fall of women in India.". He again observed:

*"Manu was the greatest opponent of the Buddhist religion. This is the secret of the many inequities which he heaped upon women. For he knew that if the home is to be protected against the invasion of Buddhism, it is the women who must be protected against the invasion of Buddhism, it is the women who must be put under restraint .And he did U .All the responsibility for the decline and the fall of women in India must be fastened to Manu.*

Thus, Ambedkar's frame of mind put Buddha above Manu in placing women in the social hierarchy in a constructed hierarchy which could provide sufficient protection to women in their social position. He was of the firm opinion that the reasons for inferior position and the subhuman treatment given to women were deeply embedded in the very nature of prevailing social order which did

not respect the value of the equality among the individuals and did not recognize the worth of human dignity."

Being a liberal in his approach, he believed that individual is the ultimate goal of the society and thus growth of the individual is the most important pre-requisite of a free social order that can ensure rights for women. He, therefore, took the risk of challenging the established traditions of Hindu society because he had firm conviction that the society could not be changed unless it was challenged. However, the underlying rationale of changing prevailing society was the betterment of down-trodden sections including women.

As a student "Castes in India" 36 was the first attempt of Ambedkar to understand and analyse the nature of Indian society and its systematization through the caste structure from the Anthropological point of view. He points out in his paper that the caste system was responsible for women's subordination and exploitation. In order to maintain caste Ambedkar points out that it is essential to prevent marriage from outside the group which shows that a group desirous of making itself into a caste must have the maintenance of numerical equality between marriageable units of the two sexes as the ultimate goal as without it endogamy can no longer be kept intact. The death of one of the partners creates a surplus man or a woman. "Thus both the surplus man and woman constitute a menace to the caste if not taken care of. For not finding suitable partners inside their prescribed circle very likely they will transgress the boundary, marry outside and import off springs that is foreign to the caste.

Ambedkar finds out the four means by which the numerical disparity between the two sexes is conveniently maintained are:

"Burning the widow with her deceased husband, compulsory widowhood- a milder form of burning, imposing celibacy on the widower, and wedding him to a girl not yet marriageable, burning the widow and imposing celibacy on the widower are of doubtful service to the group in its endeavor to preserve its endogamy, all of them operate as means. But means, as forces

when liberated or set in motion create an end ..... They create and perpetuate endogamy, while caste and endogamy, according to our analysis of the various definitions of caste, are one and the same thing. Thus the existence of these means is identical with caste and caste involves these means.

Thus while going into the deep analysis of the mechanism of caste Ambedkar tried to find out the root cause of the sati pratha, early marriage of girls and the prohibition of widow remarriage in India. He attributed the downfall of women due to the caste system.

Ambedkar points out that the Hindu society presents the above stated three singular uxorial customs that were 'primarily intended to solve the problem of the surplus man and woman in a caste to maintain its endogamy. Strict endogamy could not be preserved without these customs, while caste without endogamy is a fake.' but he was unable to find out the scientific explanation of the causes of the origin of caste. Even though he could find out plenty of philosophy to tell why these customs were honoured."

However, his concern was not limited to Hindu women only. He observed that even the Muslim women were also not getting their due which was provided to them under the Islamic Shariah as they were influenced by the Indian environment. He also criticized the denial of rights to Muslim women for divorce". He lamented the sad plight of the Indian Muslim women and said:

"No Muslim girl has the courage to repudiate her marriage, although it may be open to her on the ground that she was a child and that it was brought about by persons other than her parents. No Muslim wife will think it proper to have a clause entered into her marriage, contract reserving her right to divorce. In that even her fate is, 'once married always married' She cannot escape the marriage -tie however irksome it may be. While she cannot repudiate her marriage, the husband can always do it without having to show any cause " .

Ambedkar even opposed the Indian Muslim purdah system which he believed was contrary to the real purdah system of Islam. He was of the opinion that as a consequence of the purdah system a kind of segregation is brought about in the Muslim women which has deteriorating effect upon the physical constitution of the Muslim women thereby depriving her of a healthy social life. The isolation of males and females is sure to produce bad effects on the morals of men. He believed that a system, if based on worth, can not justify the permanent denial of education and religious right to women.

In a way, what appears from Ambedkar's own perception of the Indian social order, Hindu or Muslim was one of a system where women were denied in various ways, their dues in the society. He was frantically in search of a solution to their evil systems and sought to usher a society based on equality, justice and fraternity.

Ambedkar realised that there was no other way to reform the society except challenging the foundation, Manusmriti and the principle of graded inequality, the society was built upon. He also argued that all problems related to women were manifestation of the system of caste and thus nothing short of a revolutionary step aimed at annihilation of caste could only prove beneficial for women. Here, we find the difference in philosophical foundations of Ambedkar with other contemporary social reformers. Instead of bringing superficial changes and addressing secondary issues like child marriage, sati system, he wanted to attack and destroy the backbone of the menace, the caste system. He wanted to attack the caste and thus bring about change not only for downtrodden but also for women.

He classified social reforms into various categories. Of which he felt that religious reforms are difficult to bring forth. He stated:

"Social reforms fall into different species. There is a species of reform, which does not relate to the religious notion of people but is purely secular in character. There is also a species of reform, which relates to the religious notions of people. Of such a species

of reform, there are two varieties. In one, the reform accords with the principles of the religion and merely invites people, who have departed from it, to revert to them and to follow them. The second is a reform which not only touches the religious principles but is diametrically opposed to those principles and invites people to depart from and to discard their authority and to act contrary to those principles .

Ambedkar was conscious of the social, economic and political inequalities among men and women in Indian society. Though, he attempted to find the root cause of decline in the status of women in social order, his idea of women empowerment was not confined to social arena.

Broadly viewed, Women Empowerment can be taken as a tool for social, economic and political equality between men and women and developing capability of women by assigning rights that were not available earlier. As has been discussed in the previous chapter, Ambedkar believed that individual is the ultimate goal of the society and growth of every individual is the most important pre-requisite of a free social order. That was the motivation behind his taking the risk of challenging the established traditions of Hindu Society. Having the wider purpose of changing society for the betterment of the down-trodden society including women, Ambedkar found no other way except changing the very mechanism of the social order. He wanted to attack caste and thus bring about change not only for low caste people but also for women".

The contents of Ambedkar's concept of social justice include unity and equality of all human beings, equal worth and respect for men and women. His social idea was to remove man made inequalities of all shape through law, morality and public conscience". A Critical examination of his writings reveal that he wanted to establish an 'ideal society , a "casteless society':" or a society based on the "principle of justice". Ambedkar tried to find out the evils of the existing social order and then offered his own alternative model of an "ideal society" or a "just society"

which could bring complete change in society. This ideal society would be based on "liberty, equality and fraternity?".

He was convinced that there was not genuine possibility to change Hindu Society from within. He felt it would be necessary to bring about changes through the help of law. Thus, he wanted the involvement of state for social welfare and upliftment of women in society": Through, his submission before Simon Commission (1928), he wanted that Government be made responsible to ensure the spread of the education among the masses without any discrimination on the basis of religion, caste, sex and creed.

The greater emphasis on law amid legal measures for bringing about a just social order was a prominent feature of Ambedkar's social and political idea.

However, in accordance to his framework for social and political thought, the vision of Ambedkar in regard to women's emancipation and empowerment is not limited to provision of adequate legal safeguards, he felt that though law is one of the most effective measures of bringing social change, there are constraints in applying the same. He was concerned about educating people towards favoring the desired changes in the society that would empower women and emancipate them. Law according to Ambedkar, unless backed by social morality would not be sufficient to change the plight of women. He argued that rights are not protected by laws but by social and moral conscience of society. The people who were mentally enslaved for generations together by deep rooted social values would not accept radical changes in laws that challenge the very nature of social and customary values". Thus, Ambedkar's vision of equality of women through legal reforms was intertwined with raising social 'conscience through social re-engineering and through education.

Ambedkar while discussing the meaning of liberty said that it should include social equality, economic equality and there must be knowledge (education) made available to all. All these social



conditions were restricted to a particular class in the old social order but form an important part in the new social order", This can be considered as the cornerstone of his ideas of women emancipation and empowering them for better future. Here, it can be noticed that he prescribed the same measures for upliftment of women what he recommended for upliftment of untouchables.

However, his ideas about women empowerment were not restricted to social and political arena. He put due emphasis on economic rationale also.

He postulated two superstructures upon the structure of society namely the economy and the polity but he gave more weight to the economy than to the polity. This is why even though he had obvious differences with Marxism he found himself so close to Marxism. He conceded the need to modify the liberal ideals to suit the developmental stage of a society". He knew that the position of women could not be improved without proper education and economic well being. Thus he advocated for equal economic rights for women, to be granted by the State, through an adequate means of livelihood, equal pay for equal work for women and equal right to work for women ".

Ambedkar laid stress on the concept of capacity building of women as the first step towards women empowerment. He made a multi-dimensional contribution to the empowerment of women by advocating girl's education, removal of adverse social attitudes towards women. He considered education for women to be as essential as for men because children usually emulate both their parents. He advised women to mould their children that they led a life of virtue. He wanted women to be bold and fearless like men. He argued that history proved that Indian women could fight on the warfront, if the situation demands S060. To him, in this process of empowerment, the state should have a direct role.

He wanted to position women as not only a member of the family, also of society. His aim was to re-engineer the society from the grass-root level", He involved state for this purpose through

Hindu Code Bill which sought to confer on women the right to property and adoption. These are enabling rights to women, not granted previously in the domain of economy, which was to be conferred through legal means. Although, he attempted, through this bill to put men and women on an equal level in all legal matters, he remarked that "this is in no sense a revolutionary measure; this is not even a radical measure". In an attempt to formalize and institutionalize his efforts, such a legislative move was taken by him. It is equally interesting to note that Ambedkar while admitting the limitations of the step accepted this to be the basic foundation of empowerment of women.

Ambedkar's idea on-women empowerment was not confined to political or economic domain. He not only wanted to ensure social equality between man and man, but also equal status and dignity between man and woman. He also believed in equal status of husband and wife. He advised that women should be on friendly terms with their husbands. He did not agree that there should be a master slave relation between the husband and the wife". In this context, he advocated active participation of women in political activities. He involved women in all his social struggles.

His arguments on maternity benefit bill, abortion and on the birth control were quite relevant to recognize the dignity of women. He supported the maternity bill and in its support 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 the primary concern of the government and in every country, therefore, where maternity benefit has been introduced that you will find that the government has been subjected to a certain amount of charge with regard to maternity benefit.

He was also of the firm opinion that, "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 .

Ambedkar believed that this bill should not be confined to the Bombay Presidency instead it should extend to the whole of India.

On the issue of abortion he opined that attempts at abortion resorted to for the prevention of unwanted progeny, exacted a heavy toll of female lives. Therefore abortion was dangerous for the life of women."

Thus, it implies that the vision of Ambedkar in regard to women's emancipation and empowerment is not limited to provision of adequate legal safeguards, he felt that though law is one of the most effective measures of bringing social change, there are constraints in applying the same. He was concerned about educating people towards favoring the desired changes in the society that would empower women and emancipate them. Law according to Ambedkar, unless backed by social morality would not be sufficient to change the plight of women. The people who were mentally enslaved for generations together by deep rooted social values would not accept radical changes in laws that challenge the very nature of social and customary values. His vision of equality of women through legal reforms was intertwined with raising social conscience through social re-engineering and through education. Social awareness and social responsiveness appeared to him to be the basic ingredient of women empowerment.

Thus conceived, the emancipation of women would mean their liberation from religious, legal, economic oppression and their escape from narrow gender roles. The principle of equality and positive discriminations are key towards attaining women emancipation. Ambedkar posited his idea of equality for women based on the premises that the society should inculcate a sense of moral equality which would deny people possessing superior

physical, financial strengths etc. to oppress people who are inferior in these respects. While defining the reasons for inequality, he admitted that there are inherent causes for inequality among people and inequality can never be eliminated on these grounds. However, he believed that no body should be denied equal rights on virtue of his/her possession by birth. The society should not create barriers to people as such who can achieve on their own merit and will. Being born into a family of untouchables and underprivileged, he felt bitterly when he was barred from advancement even though he possessed talent and capabilities to achieve his goals in his life. He found the roots of inequality in the social order itself and thus he felt that mere declaration of equality would not suffice the purpose. He preferred positive discrimination in his definition of equality in respect to duties and responsibilities of state.

Ambedkar never missed an opportunity of expressing his mind in front of a women audience. He was an ardent believer that active participations in public arena brings self-confidence which was a prime necessity for human emancipation. Ambedkar as a representative of the untouchable class was to attend the second session of Round Table Conference. He was to leave for London on 11<sup>th</sup> August 1931. On the eve of this occasion a farewell function was organized at Sir. Cawasji Jahangir Hall on 14<sup>th</sup> August 1931. P G Solanki was on the chair. Ambedkar addressed two separate meetings one of women at 8pm and one of men at 10pm at night (Janata, 11<sup>th</sup> August 1931).

He made a very stirring speech before the Depressed Class Women. He said:

"If you stand by your resolve to extirpate your slavery root and branch and undergo all trial and tribulations for it, the credit and success of my being able to discharge the onerous task will be yours

...

Immediately he addressed in the same hall another meeting which was attended by Depressed Class men. As regards to Round Table Conference, he said:

"In a conference of one hundred and twenty five members we are two; but rest assured that we will move heaven and earth for the sake of your welfare. At present Gandhi cannot do anything to promote your interests. We must stand on our own feet and fight as best He can for our rights. So carry on your agitation and organize your forces. Power and prestige will come to you through struggle ".

Thus, one can get a glimpse of his ideas about human emancipation expressed in respect to women. He strongly advocated that women should recognize their worth as social forces, organize themselves so that they could participate in social and political agitations.

Empowerment strengthens women's capacity to make effective choices and transform choices into desired actions and outcomes. The concept of women's empowerment, as per Ambedkar, is to build capacity in them so that they can make effective choices in areas that affect their lives. He applied this concept while arguing in favour of birth-control. He wanted certain measures to be introduced for birth control as an effective process towards women empowerment. Women empowerment as an outcome of being able to make effective choices (to bear a child or not in this case) and to bring forth the choice into desired outcome can be seen in his approach.

He moved a non-official resolution III the Bombay Legislative Assembly on 10<sup>th</sup> November, 1938 where he remarked:

".... 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, what so ever, she must be in a position to prevent conception and bringing forth progeny which should be entirely dependent on the choice of women, society in no way will profit by the addition of unwanted progeny .

In his last sentence one can see the positive steps towards women empowerment in terms of a process by which those who have been denied power gain power, in particular the ability to make strategic life choices like whether or not to have children.

## Chapter 6 Summery and Views

Ambedkar tried to the link between the Hindu social order and the position of women in the Indian society. Thus, in his view, the issue of women's empowerment could not be addressed in isolation. Rights and special privileges of castes can be translated into rights and special privileges enjoyed by a particular gender. The hegemony of caste can be translated into hegemony of gender codes of pride, privileges and self-image. Ambedkar stood for annihilation of caste and demolition of patriarchal society because he felt unless the drive engine is destroyed the oppression would continue forever.

To him 'Social Liberty' is very important and the freedom of mind is the real freedom. The freedom of mind, who with an awakened consciousness realizes his rights, responsibilities and duties and is not a slave of circumstances and wants to change them in favour. One who is not afraid of public criticism and has enough self-respect and intellect so that he doesn't become the tool in the hands of others." Though he said this in the context of depressed classes but this is also applicable for his concern on Women's emancipation and empowerment.

However, his ideas about women empowerment were not restricted to social and political arena. He put due emphasis on economic rationale also. He knew that the position of women could not be improved without proper education and economic well being. Thus he advocated for equal economic rights for women, to be granted by the State, through an adequate means of livelihood, equal pay for equal work for women and equal right to work for women.

Ambedkar laid stress on the concept of capacity building of women as the first step towards women empowerment. He made a multi-dimensional contribution to the empowerment of women by advocating girl's education, removal of adverse social attitudes towards women. He considered education for women to be as essential as for men because children usually emulate both their parents. In the Bombay Legislative Council debates" his concern

for slow progress of education not only for the boys but also for the girls is also seen. His request for increase in the expenditure of education from the Education Minister shows his believe in the Law which only can bring progress in the society.

He not only wanted to ensure social equality between man and man, but also equal status and dignity between man and woman. He also believed in equal status of husband and wife. He wanted to position women as not only a member of the family, also of society. This ardent belief of his is reflected when he asked not only men but also women on the day of voting should leave their work and go to polls.

His arguments on maternity benefit bill, abortion and on the birth control were quite relevant to recognize the dignity of women. His aim was to re-engineer the society from grass-root level and through legal means. He involved state for this purpose through Hindu Code Bill which sought to confer on women the right to property and adoption. These are enabling rights to women, not granted previously in the domain of economy, which was to be conferred through legal means.

In the words of Ambedkar:

"I drafted the bill in conformity with the dictates of the Smritis which allow several rights to women. The bill was aimed at removing the obstruction of Law in the social advancement of women. On wealth depends independence and a woman must be very particular to retain her wealth and rights. to help retain her freedom ...

Ambedkar while addressing a meeting of women in Bombay" (November 24 1951) declared that the Hindu Code Bill would improve the condition of women and give them more rights and requested them to support the bill and vote for the candidates who would bring real Democracy In the country."

Ambedkar realised that there was no other way to reform the society except challenging the foundation, Manusmiriti and the principle of graded inequality, the society was built upon. He also argued that all problems related to women were



manifestation of the system of caste and thus nothing short of a revolutionary step aimed at annihilation of caste could only prove beneficial for women.

Instead of bringing superficial changes and addressing secondary issues like child marriage, sati system, he wanted to attack and destroy the backbone of the menace, the caste system. He wanted to attack the caste and thus bring about change not only for downtrodden but also for women.

He felt it would be necessary to bring about changes through help of law and thus he preferred interventions at legal and public policy level. Ambedkar's vision of equality of women through legal reforms was intertwined with raising social conscience through social re-engineering and through education. Social awareness and social responsiveness appeared to him to be the basic ingredient of women empowerment. However, one can notice the seed of positive discrimination is present in his definition of equality in respect to duties and responsibilities of state.

In the preceding chapter, it has been mentioned that Ambedkar held 'social, economic and political' equality as the basic fundamental norm for bringing about empowerment of women. He also prescribed legal reforms to bring in social, economic and political equality in the society which would lead to emancipation of women and empowering them. Being an ardent supporter of the functional theory of the state, he also argued and accepted the notion of the state as a legal and Constitutional creature. He held a general view that the state is not only the source of law but also a creature of law. For him the state is a legal and Constitutional system that represents the principle of equality.

Social justice is considered as a fundamental right in the Constitution of India. Social justice can be ensured by removing social imbalances through appropriate laws and legislation. A welfare state can realise this goal by harmonising the rival claims or interests of different groups or sections present in the social structure. The Preamble of the Constitution enshrines the concept of social justice in the form of 'Justice; Liberty, Equality and

Fraternity', In the Constitution of India, the trinity is secured and protected with social justice and economic empowerment and political justice to all the citizens under the rule of India .

The Preamble not only provides complete equality between the sexes before the law, but also in the political sphere. Political justice, that is, absence of any arbitrary distinction between man and woman in the political sphere, is ensured by the principle of one man, one vote".

The Preamble grants equality to women as Fundamental Rights and empowers the State to adopt measures of positive discrimination in favor of women for ensuring social, economic and political equality'. The essence of the Constitution reflects the dream of new social, economic and political order, the soul of which was social justice" which led Austin (2006) to remark that the Constitution can be seen as "a vehicle for social revolution ". There are specific provisions in the Constitution of India those which take care of the liberty and equality of the citizens and its principles bridges the gap of social, economic and political inequalities between the well-off and the worst-off of society. In fact the founding fathers thought it wise to construct the philosophy of the Constitution on the basis of egalitarianism. The philosophy of the Constitution of India is based on the idea that liberty should be coupled with social restraints and subordinated to the liberty of the greatest number of common happiness. However, guaranteeing of certain rights to each individual would be meaningless unless all inequality is banished from social structure and each individual is assured of equality of status, opportunity for the development and means for the enforcement of .rights guaranteed to him. This object is secured in the body of Constitution in various provisions and articles'.

The Fundamental Rights and the Directive Principles provide the principles and operative guidelines to secure social justice and bring down socio-economic inequalities in the society. While Fundamental Rights are political in nature, Directives Principles embody social and economic principles. By the process of banishment of poverty;' not by expropriation of those who have, but by multiplication of the national wealth and resources

and an equitable distribution thereof amongst all who contribute towards its production, the Constitution of India, through establishment of economic democracy, aims at providing economic justice to all citizens of India. It forbids sexual discrimination and guarantees social and economic justice to women.

The Constituent Assembly adopted the Objective Resolution on January 22, 1947 pledging itself to draw up a Constitution guaranteeing and securing to all the people of India, justice, equality, and freedom and providing adequate safeguards to minorities and backward classes as spelt out in the Objective Resolution moved by Nehru. The Constituent Assembly aimed at 'socio-economic revolution'; to bring about 'a fundamental change' in the structure of Indian society and 'to render social justice to every citizen through the Constitution'. Therefore the Constituent Assembly intended to draft the Constitution of India that would not only establish major political Institutions but also bring about social revolution which itself hints at social justice".

The Indian Constitution can be called a social document which implies that justice to all citizens -social, economic and political being its keynote".

The Constitution was framed as a symbol of national aspiration and a modernizing instrument whose primary function was intended to be one of bringing about a dynamic and purposive future. The framers- tried to incorporate elements of dynamism in the form of the Preamble, Fundamental Rights and Directive Principles of State Policy. The Fundamental Rights are to foster the social revolution by creating an egalitarian society to the extent that all citizens are to be equally free from coercion or restriction by the State, or by society in private space, liberty was no longer by the privileges of the few, On the other hand, the Directive Principles aim at liberating Indian citizens in the positive sense, free from the passivity engendered by centuries of coercion by society and nature, free from abject physical conditions that prevented them from fulfilling their best selves .

The Constitution is a monumental example of social re-engineering of Indian society, Ambedkar being the chief architect of the Indian Constitution prescribed for bringing social, political and economic equality that would lead to empowering women and emancipating them.

The role of Ambedkar in Constitution making has to be examined in the wider perspective of nationalism, democracy, humanity and justice. As the chief draftsman of the Constitution, he was playing the role as a great Constitutional expert. His expertise went a long way in enshrining the concept of political democracy in the Constitution of India.

### **Women Empowerment and Emancipation: Constitutional Scheme.**

The Preamble to the Constitution provides insight to the ideology of the Constitution of India. The objectives of the state such as socio-economic and political justice, liberty of thought, expression, faith, belief and worship; equality of status and opportunity; fraternity promoting dignity of the individual are embodied in the Preamble .

Constitutional provision which aimed at preventing discrimination, improving the status of women to compete with their male counterparts and promoting social justice, are the Fundamental Rights that ensure 'equality before the law and equal protection of law (Article 14)" 'prohibition of discrimination on grounds of sex . (Article 15)" 'equality of opportunity in matters of public employment (Article 16)" 'prohibition of traffic in human beings and forced labour (Article 23)'. Moreover, in order to ensure civic equality, the Constitution seeks to achieve political equality by providing for universal adult franchise (Article 326) and by reiterating that no person shall be either excluded from the general electoral role or allowed to be included in any general or special electoral role, only on the ground of his religion, race, caste or sex (Article 325) .

Apart from the general provisions there are special provisions In the Directive Principles (part IV) which enjoin the state to place the two sexes on an equal footing in the economic sphere, by

securing to men and women equal right to work and equal pay for equal work for both men and women (Article 39, Clause (a) and (d)). The Constitution of India also makes provisions so that the state shall guarantee within its economic limits to all the citizens, the right to work, to education and public assistance in certain cases. (Article 41) The Right to humane conditions of work and maternity relief (Article 42) and the state to provide a Uniform Civil Code to all the citizens throughout the territory of India. (Article 44).

It is clear from the above provisions that the founding fathers made genuine efforts to constitutionally guarantee equality to the disadvantaged sections of the population. These provisions made a concerted effort "to abolish social inequity, social stigma and social disability in our society



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