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DR. B.R AMBEDKAR AND EMPOWERMENT OF WOMEN THROUGH HINDU CODE BILL

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ABSTRACT:

Dr. B.R. Ambedkar was one of the very few Indians, who struggled to restructure Indian society with the most egalitarian and humanitarian principles. He advocated social and economic democracy and insisted that without them there would be no peace, happiness and prosperity in India.

KEYWORDS: *restructure Indian society, egalitarian and humanitarian principles.*

INTRODUCTION :

An ardent supporter of the cherished values of Liberty, Equality and Fraternity, Babasaheb Ambedkar's contribution for the betterment and progress of women is unique. He not only wanted to ensure social equality between man and man, but also equal status and dignity between man & woman.

EVOLUTION OF HINDU CODE BILL:

Dr. Ambedkar through the formation of Hindu Code Bill is contributed to the development of the Indian women by virtue of fundamental constitution provisions, there had been no law for family life in India before the British rule began. According to the ancient Hindu

law there had been the rule of dictates, constituted by the manusmriti, the yaadnyavalkya smriti and the economics of Kautilya.

Manusmriti discriminated people on the basis of varna and sex.

The British government in India made legal provision & against the inhuman practice of sati, prosecuting the guilty involved in offence, the act prohibiting the female infanticide the prohibition of child marriages, the consent to widow remarriages and the succession Act for Hindu women. 1937, known as Deshmukh Act.

It is the fact that this superficial legal provision's could neither satisfy social reformer nor the Hindu women. The Hindu Code Bill has setup in the year 1941 considering the urgent need of burning in comprehensive reformation in Hindu Acts and in recognition of the women's movement, this was also called

Rau Committee.

The committee was set up under the chairmanship of the High Court Justice Sir Bengal Narsingra, on 25th Jan 1941. This committee brought two bills on the floor of central legislative each one marriage and succession of Hindu women in 1943. The bill was not passed, then Rau committee was revived for legislation of Hindu Act in 1944 under the supervision of select committee. This committee formed the draft of the Hindu Code Bill and presented in the central legislature in the form of bill 11th April 1947 by Sri.Jagendranath Mandal.

India achieved independence on 15th August 1947 and Pandit Jawaharlal Nehru become the first Prime Minister where as Dr. Babasaheb Ambedkar was made the first law minister on 19th August 1947, as the law minister, the bill came under the jurisdiction of Dr.Ambedkar

obviously. Dr. Ambedkar was made the chairperson of the select committee for the systematization of the Hindu Code Bill. He was assisted by other 19 members.

DR. BR. AMBEDKAR AND HINDU CODE BILL:

The Hindu Code Bill was further rectified and improved by the committee under the leadership of Dr. B.R. Ambedkar and the court judgment, privy councils were checked necessary suggestions were forwarded. The Rau Committee had restricted the bill to marriages and succession only. Dr. Ambedkar proposed several fundamental amendments to the Hindu Code Bill. The bill contained new rules on seven different matter's i.e. (1) the right to property of a deceased Hindu who has died intestate without making a will, to both male and female (2) the order of succession among the different heirs of the property of the deceased dying intestate (3) the law of maintenance (4) marriage (5) divorce (6) adoption and (7) minority guardianship.

The improvised version of the Hindu code bill was eventually presented in the parliament by Dr. Ambedkar on 12th August 1948, the Bill was released in the Gazettee by the Government of India on 21 August 1948, the following is a list of the significant provisions and rectification's made in Hindu Code Bill.

1. 1st article of the Bill states scope of the bill and describes the social groups it is applicable
 - a. The bill will be known as 1948 act.
 - b. This act will be applicable to all states of nation.

The act is applicable. According to Article-2 to all the member's of the Hindu religion, including Veerashaiv, Lingayat, Brahma Samaj, Prarthana Samaj and Arya Samaj. (1) It is applicable to Boudha, Jam, Sikh religion also except the Islam, Persian and Jew religions.

2. Elaborate provisions for marriage:

2nd Section deals two types of marriage validated (1) ritualistic (2) registered. Age bride 14, bridegroom-18. (3) Consent to interacts marriage.

3. The Divorce Provision:

The bill allows divorce on certain reasons: Article-31 of the bill states that either the husband or wife may apply for the divorce, on the reason (1) the renunciation of the one by the other (2) conversion (3) adultery (4) madness (5) incurable disease (6) congenital disease (7) violence.

4. The right to seek alimony:

Article 46th of IIIrd section of the bill allows the right to get alimony. The wife is enabled to get alimony from the husband, if she lives in Separate.

5. Legalisation of the right to succeed:

The right to succeed to the property in the united family incorporated in Article-86 to 90 of the first section of the Hindu Code Bill.

6. Changes in the adoption procedure:

The Article-56 to 66, deals elaborate provisions for the adoption procedure. The major changes have been brought about in the procedure of adoption.

- a. The husband has to seek his wife's permission before the adoption is done.
- b. The widow is to adopt somebody the deceased husband should have registered for adoption or given consent in his will.
- c. Caste condition stood nullified.

7. Ban of second marriage:

The bill prohibits the second marriages of the either spouse without divorce is cognizable crime, according to the Art-25.

8. The provision of the minor and parenthood:

Minor is one who is below 18 years old and parenthood is one who is below 3 years.

OBJECTIVES OF THE HINDU CODE BILL:

According to Dr. B.R. Ambedkar, the main objectives of the Hindu Code Bill are as follows:

1. To help and encourage the entire family member's to come together for mutual participation in matter's affecting each and everyone.
2. To give to the female member of the Hindu family full rights in matter's of property marriage divorce adoption maintenance, inheritance minority and guardianship.
3. To provide all member's of a Hindu family the individual freedom and social equality and also protection to women folk against the evils of dowry and deprivation disease and hunger.
4. To achieve the aim of making the wife, the daughter and the widow of a predeceased son eligible to inherit property.
5. To give them the right to knowledge and to the right to realize their spiritual potentialities along with men and ultimately.
6. To reform the basic structure of the Hindu social and legal system's in consonance the spirit of the preamble and provisions of our noble constitution highlighting the principles of justice liberty equality fraternity the dignity of the individual and the unity of the nation.

The Debate on the Hindu Code Bill in the Parliament (11th Feb 1949 to 14th Dec. 1950):

The Hindu Code Bill before it was presented in the parliament had attracted a lot of hot debate from conventional and orthodox Hindus. Dr. Ambedkar after consulted his select committee companions, presented in the parliament.

The Hindu Code Bill was made but of ridicule in the Lok Sabha. Dr. Ambedkar gave a detailed statement to it in his resignation letter. The Bill was given four day of Feb. One day of March, two day of April, one day of Dec 1949 total 8 days in one year. It was day which invited Dr. Ambedkar to present the draft of the Bill in the parliament, however, in the year 1950, the bill was not paid any attention at all. The bill was taken for the debate on 5 Feb 1949 and each article of the bill was discussed. The three day were allotted were 5, 6, 7th Feb. The result was collapse of the bill on Sept 1951 as it was the day of last session. The bill was expected to be discussed over but while the debate was going on.

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

Dr. Ambedkar reacted instantly to Nehrus decision of withdrawing the Hindu Code Bill and he exclaimed that he was more pained by the failure of the Bill than he could would be pained at the loss of his own child. He is recorded to have said that "it was killed and buried, unwept and unsung", the culmination of the failure of the Hindu Code Bill was Dr. Ambedkar is resignation from the law ministry.

RESIGNATION OF DR. B.R. AMBEDKAR:

On the second day i.e. 27th Sept 1951, of the withdrawal of Hindu Code Bill Dr. Ambedkar resigned from the ministry of law. In his resignation speech, Dr. Ambedkar clarified "the Hindu Code was the greatest social reform measure ever undertaken by the legislature in the country. No law passed by the Indian legislature in the past or likely to be passed in the future can be compared to it in point of its significance. To leave inequality between class and class, between sex and sex, which is the

soul of Hindu society untouched and to go on passing legislation reaction to economic problems is to make a force of our constitution and to build a palace on dung heap”.

Dr. Ambedkar wrote another letter to P.M. Nehru on 1st October requesting that he would address the Lok Sabha 6th October and then his resignation might be accepted. Nehru agreed to the request of Dr. Ambedkar however the Deputy Speaker of Lok Sabha rejected Dr. Ambedkar's request of addressing the house.

DR. AMBEDKAR LEFT THE HOUSE WITH DIGNITY:

When Dr. Ambedkar saw that he was not allowed by the Deputy Speaker on the ground of his not having given the address in the written form. He decided to quit the house with dignity. He collected all the papers and started to leave the house. The entire house saluted and clapped at the commitment the decorum and the poise shown by Dr. Ambedkar in resigning from the ministry and walking quietly out of the house. Thus, the sculptor of the Indian constitution had to leave the house.

In 1952 general elections the Indian National Congress won the power at centre. Pandit Nehru got the articles in the Hindu Code Bill in pieces. Following the list of the Act's sanctioned from the Hindu Code Bill formulated by Dr. Ambedkar.

1. Special Marriage Act 1954.
2. Hindu Marriage Act 1955.
3. Hindu Re-marriage Act 1956.
4. Hindustan Adoption and Maintenance Act 1956.
5. Hindu Minority and Guardianship Act 1956.

CONCLUSION:

The sole motivation behind the conception of the Hindu Code Bill was reviving the dignity of women winning of the rights.

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