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GOVERNING WOMEN'S ISSUES IN INDIA - AMBEDKAR'S APPROACH

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ABSTRACT :

From ancient times, women are being suppressed by various power structures in society world over. In modern times, various educations and revolutions brought may acts and cultural tends to same women from the suppression. After Indian Independence in 1947, Indian Government brought many acts regarding women following gradual manner. Therefore, women got legal security to some extent. Still, they were facing many problems. In the times of globalization, various new problems came to the stage and creating insecurity among women in India. Today the problem of rape became a big challenge to Government and Society along with other problems of women's. Hence, the present acts are not enough to solve the problem in full manner. At this juncture, let us rethink about Dr. B.R. Ambedkar's approach to draw the solution for the contemporary women's problems in India as the part of good governance.



KEYWORDS :power structures , humanistic phenomenon , heavily contextualized .

INTRODUCTION

Dr. B.R. Ambedkar was humanistic phenomenon of the 20th century and the and the story of his life is the story of how exceptional talent and outstanding force of character succeeded in overcoming some of the most formidable obstacles that an unjust and oppressive society has ever placed in the path of the individual. He lived through a turbulent period of the Indian history, creating space for the dalit movement within the interstices between the movements of the contending classes with his meager resource. His thoughts are therefore heavily contextualized by the dynamics of this contention. While simultaneously trying to build the ideological foundation for the movement, they tend to reflect expediency of survival and his anxiety to maximize the short-term gains for dalits. A man of sterling qualities, wedded to the cause of poor, Babasaheb dedicated his whole life for their upliftment. He occupied a place of pride among the great leaders who championed the cause of the downtrodden and depressed people of India. He ceaselessly fought for their rights and self-respect. As a state socialist he fought for equality lasted till his last breath. He hand reclaimed for them identity, breathed political consciousness and galvanized them into a vibrant movement that changed the way of Indian politics. In the epic battle against the caste-system, he had performed well against all odds and still come out with outstanding results. At symbolical plane, Manu who was the evil enemy in the epic as the code giver for the caste system, had

to concede defeat and make place for Ambedkar code in the form of the constitution of India.

As part of his mission, he tried to solve the problem of the Indian women who was the victim of Manu's code of the Hindu religion and other religions systems except Buddhism. Woman is the most victim of any society along the line of world history creating gender inequality. He endeavored for the emancipation of women through the method of social reform. Dr. Ambedkar has an intense dislike for injustice done for women. Hence, he took up the problem of women in the wake of Raja Ram Mohan Roy and Phule while the former abolished cruel custom - sati and later educated women and untouchables. Ambedkar tried to uplift the status of women through legal measures and proposed the Hindu Code Bill. They led simultaneously both the movements, political as well as social. The foremost among them was the glowing and mighty Ranade who conceived a vast broadening of the social foundations. On the side of the political reformers was the commanding, aggressive and erudite personality of Tilak. He then led the orthodox section of the people, who, with a subtle motive of bypassing the social reforms, shouted that the political grievances constituted the common platform and nation's first necessity. Telang, an eminent judge and an erudite personality with the political work. Both the analyses were not far from truth. But the social reformer's analysis was more realistic and honest while the approach of most of the political reformers has practical but at the same time evasive. For most of them opposed the social reforms not because they could not have removed the social ills along with the political, but these social Tories feared that the social and religious disabilities and inequality, if removed, would jeopardize their own prestige, privileges and position in the Hindu society. So they bitterly opposed every move sponsored to give Hindu society a real and sound foundation.

The same case happened in the case of Indian communists and failed to achieve their goal in British India and free India. Dr. B.R. Ambedkar brilliantly acted upon this situation and followed the line of social reforms approach to modernize the nation.

SOCIAL REFORM APPROACH

Ambedkar denied the suppressing women through many ways and took social reform approach for the upliftment of the status of women. He has taken up this at two levels: one at the level of Hindu family and the other at the level of the Hindu society. He wants to re-organize and reinstruct the Hindu society from the foundation. The problems of child-marriage, widow remarriage, sati and post - sati relate to the reform of the Hindu family. The abolition of untouchability and the caste-system, and the modification of the laws of adoption, marriage and succession relate to the reform of the Hindu society. Ambedkar follows the method of social reform after understanding the reality of the status of Indian women.

Ambedkar says that Manu propounded a theory of perpetual slavery for women, according to which women should not be allowed free rein in any respect. Accordingly men treated women as objects of pleasure created only for pleasing them. The right to education and the right to property is denied to women. Manu made laws to suppress women in full way and created vicious strategies to control them.

To prevent women resorting to Buddhism and other religions (which did not look down upon women), Manu laws are made laws of the state in order to retain them within the fold of Hinduism. Manu thus deprived women the freedom they had under the Buddhist era, thus protecting Hinduism as against the invasion of Buddhism. To reinforce and strengthen the Brahminical Faith and Varnashramadharma, Manusmriti formulated various injunctions which prohibited the (inter caste marriages) women even from becoming nuns. Women like Amrapali and Yasodhara and many others like them have become nuns in the Buddhist order. Therefore, Ambedkar embraced Buddhist religion in 1956 just before his death. It was the final attempt to become free of Hindu culture and society by precipitating the kind of radical changes which he believed Gautama Buddha has achieved in ancient India. Buddha had given respectable place in his religion and propounded gender equality. He recognized women's personality within the family and out of the family. Bikkunis were made in the Buddha's religion like Bikkus (males).

REVISING HINDU CODE BILL

In 1941, British Government of India appointed a commission to address the issue of codification of

Hindu law under the chairmanship of Shri. B.N. Rau who later appointed as the constitutional advisor for drafting independent India's constitution. The commission prepared the Hindu Code Bill in 1946, but it was never adopted and the Hindu law, thus, remained uncodified. Dr. B.R. Ambedkar having entered the Constituent Assembly, attended the first meeting of the Assembly on 9th December 1946. He studied the Hindu Code Bill and revised with necessary improvements. The revised Hindu Code Bill in the Constituent Assembly on 11th April 1947. The bill was referred to select committee on 9th April 1948, and it was defatted for four years.

Ambedkar is not satisfied by portraying the status and position of Hindu women as under lined by the Manusmriti. While speaking about the Hindu code Bill in the Constituent Assembly, he urged the members to have a common code which would replace the Hindu Law, scattered as it is then, regarding seven important matters, i.e.....”.

- (i)The right of property of a deceased Hindu, who has died intestate without making a will, to both male and female;
- (ii)The order of succession among the different heirs to the property of a deceased dying intestate;
- (iii)The law of maintenance;
- (iv)Marriage;
- (v) Divorce;
- (vi)Adoption;
- (vii)Minority and Guardianship

In 1951, at the time of farming the Hindu law, the Aliyasanthanm law advocated monogamy as a rule of marital life. The same law existed in madras, Bombay and Baroda. For instance, among the Natukoti Chettiers of South India, it was customary that the husband could not marry a second time unless he obtained the consent of his wife and allots her some certain property. That is why Ambedkar did not think the passing of the law of monogamy as a radical task. He had concern for emancipation and empowerment of women not only of Depressed Classes but women of all castes and creed. The Hindu Code.

Bill that he tabled in the Constituent Assembly was for emancipation and empowerment of all women for providing them rights of inheritance, marriage, divorce, maintenance etc. This bill epitomizes the boldest and noblest endeavor of Dr. Ambedkar at emancipation and empowerment of Indian women.

The Salient Features of the Hindu Code Bill

- a. It applied to all Hindus as well as Buddhists, Jains and Sikhs. Thus the Bill makes for uniformity throughout country.
- b. It distinguishes between two kinds of marriage, one sacramental and the other civil. The sanctified marriage must be monogamous. Since bigamy is not allowed, a specific provision has been made applying sections 494 and 495 of the I.P.C to Hindus who might be guilty of having committed bigamy. In the marriage the bridegroom must be 18 years and the bride 14 years. An idiot or a lunatic would not be competent to contract a valid marriage.
- c. It deals with void and voidable marriages. Further, it deals with the restitution of conjugal rights and the grounds of judicial separation. With regard to adoption it solved the problems suffered by earlier law. She is now regarded as a competent and intelligent human being able to sell and dispose of her property. The daughter is also given an equal share in the property like son or the widow. In the new Hindu Code Bill the status of woman was recognized as equal to that of man.

Failure and Success of the Bill

Due to wide scale opposition from orthodoxy, women and national leaders and a fear of backlash from higher caste Hindu, Jawaharlal Nehru, the then P.M. of India, was constrained to withdraw Hindu Code Bill. Hence, Dr. B.R. Ambedkar resigned as Union Minister of Law and performed his determination for emancipation of women. But the failed Hindu Code Bill and the enactment of subsequent piece meal legislations arising out of Hindu Code Bill together had profound effect on empowerment of Indian women.

During the debate of four years, only four sections of the Bill were approved. Later, Central Government of India passed the following four laws from these four sections:

1. The Hindu Marriage Act, 1955.
2. The Hindu succession Act, 1956.
3. The Hindu Minority and Guardianship Act, 1956.
4. The Hindu Adoptions and Maintenance Act, 1956.

The enactment of these Acts was, indeed, a vindication of Dr. B.R. Ambedkar's Hindu Code Bill as a social legislation for the emancipation and empowerment of women in India.

CONCLUSION

Like Rouscoe pound, the eminent American Jurist, Dr. Ambedkar used his legal knowledge for creating a just social order. There are numerous examples to substantiate this contention. But the best examples would be provision for fundamental rights in constitution and tabling of Hindu Code Bill in Constituent Assembly. He tried to solve the women's problem at root level following legal system on the basis of social reform approach. Having great sympathy towards women's problems in Indian society, he resigned for his minister ship at the failure of passing the Hindu Code Bill in the assembly. They did not behave like some feministic who emphasize more disceod and copying male styles. He recognized their identity and fought for gender equality as an authentic feminist in his own way. In his own words: "Those who wants to conserve must be ready to repair and all want is that if you want to maintain the Hindu system, the Hindu culture, the Hindu society, do not hesitate to repair where it is necessary. The bill asks for nothing more than repairing those parts of the Hindu society which have almost become Dilapidated."

It would not be inappropriate to call Ambedkar as one of the saviors of the Indian women. The gist of his advocacy of the cause of woman and exhortation to the Hindus to bring social change following modern times to establish modern India.

In the times of globalization, many acts were enacted preventing women from the various new crimes such as rape, porn videos, cyber crimes, etc. But the problems not solve to full extent. Hence, social reform approach, followed by Dr. B.R. Ambedkar, should be followed by the Government which changes individual attitude and society towards women. This becomes part of the good government and successful democracy.

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