

VIOLENCE AGAINST WOMEN AND AMBEDKAR'S HINDUS CODE BILL

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The Indian social society has been ill-treating women in most in human way. She is being physically and sexually exploited by man and never is treated as a human being. And man said, that education is not for women but men made her weak by denying her fundamental rights.

If women remains isolated she brings bad name both to her parents and in-laws. Realizing the views and ideas of Manu, Dr.B.R.Ambedkar identified the present realities of woman and her status in the society. He threw light on the need of social reforms in favour of women such as, social equality, liberty and freedom. Such were the thoughts expressed and practiced by social thinkers like Periyar E.V Ramaswamy, Dayanand Saraswati, Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Dugabai Deshmuki, Anni Besent, Kandukun, Veerlingum and others. It is remarkable to note that Dr.B.R.Ambedkar's thinking was on the same line.

As law minister Dr.B.R.Ambedkar brought into force the 'Hindu Code Bill' by expressing his views and opinions and stated that women in India should be given constitutional rights without any discrimination of caste, colour and gender also.

Introduction:

Since ages women in India have always been under the oppression and is often victimized for trivial things. Even saint Buddha was unhappy about the pathetic system of the

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Indian women and said that women can think equal to man if only she is educated. And she can understand the state of affairs in the world.

The result of this is that women who was under the command of man was awakened with the moral and scientific thinking, made her to feel that she too can be self-reliant as man. Women who enjoyed freedom during the period of Buddha came under patriarchal domination during the period of Manu and property share was restricted only to man.

The credit goes to Dr.B.R.Ambedkar for getting fundamental rights and social equality to women in the society through constitutional law and opposed gender discrimination and the Manu concept of women.

Women and Hindu Code Bill

The most important feminist thought of Ambedkar was the presenting of 'Hindu Code Bill' on 15th Feb 1951, as Law Minister in the Nehru Cabinet. He supported Monogamy and divorce freedom. However, this bill was opposed by the followers of Manu and Hindu religionists. Without being disturbed and family Dr.B.R.Ambedkar stated with examples of the ancient scriptures the 'Brahaspati Scriptures' which supported 'Property share for women' and 'divorce freedom' in 'Parashara Scriptures', and boldly upheld the 'Hindu Code Bill'.

He also identified that Hindu Code Bill contains all elements related to caste and negative elements denied of property share to widows, gender discrimination in this patriarchal society and was completely not successful to support inter-caste marriage. However the present Hindu Code Bill of Ambedkar was supporting intercaste marriage legally. And also freedom to seek divorce to come out of the restriction laid on women by Manu and his followers.

Along with the caste and patriarchal system Indian society also accepted the Jamindar system of property rights in favor of man. It had separator women for her share in property, fortune, agriculture produce etc. The denied of work to her in the fields and completely denied property share. "Manu had declined the place of wife to save". But Dr.B.R.Ambedkar with this Bill gave back the property rights back to women through social justice.

And the 1956, act gave women her property right to her father. Even this act of 1956, provided benefit to unmarried women, widows the adoption rights and compensation from the divorced husband.

However before 1937, women had no rights to demand property share not only as a wife or a widow. But 1937, act gave complete rights to women to have property share of her husband as widow. But still the act was not complete . But 'Hindu Code Bill' a daughter can have equal share of property with son. The 'Hindu Code Bill' was brought into force to bring drastic change in the social caste system of India

It was through Manu duration that women were treated in such disgraceful manner and Dr.Ambedkar identifies the elements from his scripture;

"Sleeping and sitting

Love for decoration

Lust, wreath, deception

Fraud hyponasty, insanity

Misbehavior are

Womens birth rights.

She will be protected by

Father during childhood,

Husband in youth

And children in old age
Hence, no need of freedom.
Since birth women has been
Enemy of man whether it
Is a scholar or a common man

She can disturb his mind". (Dr. T. M. Baskar., published
by G.U.G 2005, P.No- 43)

Opposed by people and man in general Dr. Ambedkar's
'Hindu Code Bill' was rejected . he was disappointed and
resigned from his minister ship on Sept 27, 1951. And decided to
bring the same bill in the from of constitution.

In the democratic country, it is the duty of each and
every elected member has every right to get justice and
fundamental rights against the view of Manu followers and give
equality to women in this country. What could not be brought
into force in the form of law, the credit goes to Dr. Ambedkar
for being the bill through the constitution section 15 which say
'No discrimination should be made between man and women on
the basis of caste, colour, creed and gender while giving her
rights'. It came into effect more effectively .

Later on these were four successive bill in favor of women ;

1. Hindu Marriage Act-1955
2. Hindu Law of Inheritance -1956
3. Hindu Minor Protection – 1956
4. Hindu Law of Adoption and Maintenance - 1956

As per Hindu Marriage Act Polygamy was prohibit and
was considered as crime. But it supported Manogamy. Dr.
Ambedkar suggested two type of marriage . one the traditional
system and second the civilized system of marriage. Intercaste
marriage not outlaw but supported monogamy and to be

implemented with the help of law. Any man whose first wife is alive cannot marry another women unless she is divorced legally.

Amebedkar shows how the society treated women since centuries through endences and denied of divorce to her. But his effects have give women this right. “ Nevertheless, divorce cannot be granted legally unless there is a genuine reason or if there are any kind of lacunas in man only on such grounds divorce can be granted”.(Dr. E. Yerriswamy., Mahile & Jaati Shreenikarana Amebedkar Drustikona , Geetanjali Prakarshanaa, 2010, P.No.134) However the 1956 Act permitted divorce on the ground of losing chastity or health. But the 1976 amendment act section 13(B) divorce can be granted on mutual agreement.

“Many cases have been registered for divorce in the court and they are in hearing. Under such circumstance wife has every right to get 1/5th of her husband’s income as livelihood. This is granted even after the divorce. But if she married again then she is not be able for getting this livelihood” (Dr. E. Yerriswamy., Mahile & Jaati Shreenikarana Amebedkar Drustikona , Geetanjali Prakarshanaa, 2010, P.No.134) say the bill.

Though law has given an opportunity for getting divorce still the Hindu religionists oppose this. Hence, even today many a women are afraid to claim livelihood. However there are very few cases in the court claiming livelihood. Thus divorce has become today a weapon to torture women. “Secondly, giving legitimacy to illegitimate children raising the age of marriage for girls from 15 to 18 to give some freedom”. (Dr. E. Yerriswamy., Mahile & Jaati Shreenikarana Amebedkar Drustikona , Geetanjali Prakarshanaa, 2010, P.No.134) But because of caste system and patriarchal society and chastity of women have been the major problems of the society in discourse. It is surrounded with child marriage, widow ship, chaste or unchaste women.

2 Property right was legalized is women has every right to get share in property from her father or ancestors as per the law. "Now if husband dies legally his property will go to his wife. And daughters have equal share in their parents property. And they have every freedom to sell their property. And it is perminishable as per the constitution of India section 15. And if a Hindu women dies with a nonince for her property then it will be divided equally to her successors". (Dr. E. Yerriswamy., Mahile & Jaati Shreenikarana Amebedkar Drustikona , Geetanjali Prakarshanaa, 2010, P.No.134-135)

3 According to Hindu minorities act 1956 there is the true guardian. But as mother she has every power to change the guardian. If the child is minor and "mother is alive then according to the act father is the guardian. Under such circumstances she cannot change the guardian". (Dr. E. Yerriswamy., Mahile & Jaati Shreenikarana Amebedkar Drustikona , Geetanjali Prakarshanaa, 2010, P.No.-138)

4 According to the adoption and maintenance rights 1956 has following factors;

- (a) As per the laws a male or female child can be adopt a child.
- (b) The earlier law did not permit a widow or unmarried had not rights to adoption. But the present amended law permits them for adoption
- (c) According to Hindu law in the past husband need not take the permission of his wife for adoption, but today he has to seek permission
- (d) As per the constitution section 11 father can adopt a girl child 21 years younger to him.

The objective of Hindu Code Bill is to eradicate discrimination and give equal opportunities to men and women and contribute to the reconstruction of the nation fruitfully.

At the time of formation of the Hindu Code Bill there were arguments for and against the property rights to daughters, some said that it is going to affect the relationship in the family. And there may be conflicts for property rights and will become an obstacles between brothers and sisters who may question the values of love. If it is not culture or tradition Dr. Ambedkar said that culture is different and law is different. As per law mothers property becomes 'streedhan' and it should rightly go to daughter. But it is the goodness of the daughter that share this property with their brothers. This is not law but symbol of love.

Despite this one cannot say that things have changed a lot for women. This is because there are many villages where even today that father's property is being shared only among sons who are enjoying their wife and daughters are looked with disgrace and humiliation. The condition of a daughter becomes more pathetic when she becomes a widow unfortunately. Hence it is appropriate today that a daughter should of her father.

Those people who opposed this Bill stated that it is due to the impact of western education and those who are presenting this Bill are unaware of the traditional Indian education system. As evidence they gave illustrations of folk literature where the sister says that she has every richness in life and does not desire for property share from her father but love and affection towards her parents and brothers. Despite being rich or poor this is the affection that every daughter has towards her parents house.

The question of Dr. Ambedkar to the people is to show at least one example in Hindu religion speaking about freedom of women or to make her a soldier, religious preacher or barrister? Why Hindu religion has never supported women for such reasons is the question?

The wicked law enforced in Manu scriptures has suppressed not only the social rights of the people in general and women in particular it has also given rise to indiscriminate curbing of liberty etc. such wicked law has been the enemy of the society. Therefore, Dr. Ambedkar says 'Manusmriti is like a cloth spread over coffin'.

Speaking of the cruel practitioners on women in Manusmriti, Ambedkar says that the Kautilyan attitudes toward women were more human than Manu. He stated that women also has every right to get faculties the man for she is also a human being of the society. Hence she has every right to seek equal opportunities with man, this is to be understood by all of us. Dr. Ambedkar who came from the exploited society very clearly had understood that the practice of caste class system, untouchability, women exploitation, inequality cannot be eradicated from the society. To eradicate such problems of the society, Ambedkar supported strongly the system of intercaste marriage.

The amendments brought by Ambedkar about women and caste system are prominent. As per the constitutional rights, right to equality of section 14, right against exploitation of section 23, directive principles 39(A) (D)(7). Bani duties section (E) social justice to women and dalits. The viscosity Hindu society had been responsible for thousand and thousands of problems faced by women. All these problems were caused by the male dominated society cleverly denying rights and women and exploiting them mercilessly. She had no salvation/liberty to this exploitation. One should appreciate her tolerance. However because of the struggle of reforms able Buddha, Basaveshwars, Periyar, Ramaswamy, Guru Naryana, Jyothibaphule and others. Today to certain extent in India is free from exploitation and torture. But cleverly the religionists started

exploiting her by religions bindings on her and she was silenced. Her ability to think and speak was curbed and she became scapegoat. Till the coming of Dr. Ambedkar on the picture. The status of Indian women did not change. It was his thinking that he enforced the Bill to see the all round development of women. He was successful making it as a constitution. And framed the norms to free women from exploitation and torture.

Conclusion

It is thus, Dr. Ambedkar who realized that since ages women has been under suppression and exploitation in the male dominated society finally decided to free them from such state. He also witnessed the struggles and efforts being made by the great reforms to free women from exploitation. Taking the opportunity of being the law minister in the central cabinet and to support the cause of women, he brought into enforcement the Hindu Code Bill. Though it was rejected, without being discouraged he brought some of those laws through the amendment of constitution giving women her rights. Probably an important step that Ambedkar took for the welfare of women in India.

References

- Bhaskar. T. M., 'Mihile mathau Ambedkar', Published by Prasaranga Gulbarga University, Gulbarga-2005.*
- Somashekar Halati., ' Stripara Kanoonugalu Mattu Sanghatanegalu', Vismaya Prakashana, Mysore,2008.*
- Kaviha Rai., 'Astivada Sankathana', Pragati Grapnics Bangalore, 2005-09.*